

Torrance K. Norman  
NAME  
J-32599 D-10-181 Low  
PRISON NUMBER

P.O. Box 2349 Chuckwalla Valley State Prison  
CURRENT ADDRESS OR PLACE OF CONFINEMENT.

Blythe, CA 92226  
CITY, STATE, ZIP CODE

FILED

2008 FEB 25 PM 4:02

CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIABY Rm DEPUTY

2254	✓	1993
FILING FEE PAID		
Yes	No	✓
HPP MOTION FILED		
Yes	✓	No
COPIES SENT TO		
Court	✓	Pro Se

'08 CV 0361 WQH RBB

Torrance Keith Norman  
(FULL NAME OF PETITIONER)

PETITIONER

J.F. SALAZAR ET. AL.  
Department of Corrections & Rehabilitation,  
(NAME OF WARDEN, SUPERINTENDENT, JAILOR, OR AUTHORIZED  
PERSON HAVING CUSTODY OF PETITIONER [E.G., DIRECTOR OF THE  
CALIFORNIA DEPARTMENT OF CORRECTIONS])

RESPONDENT

and

Edmund G Brown  
The Attorney General of the State of  
California, Additional Respondent.

Civil No. \_\_\_\_\_  
(TO BE FILLED IN BY CLERK OF U.S. DISTRICT COURT)

## PETITION FOR WRIT OF HABEAS CORPUS

UNDER 28 U.S.C. § 2254  
BY A PERSON IN STATE CUSTODY

1. Name and location of the court that entered the judgment of conviction under attack: San Diego County 220 West Broadway Room 3102 San Diego, CA 92101-3888
2. Date of judgment of conviction: July 15, 1994
3. Trial court case number of the judgment of conviction being challenged: SDC 100110
4. Length of sentence: 7 years to life with the Possibility of Parole

CF

5. Sentence start date and projected release date: August 30, 1994  
release date is to be determined

6. Offense(s) for which you were convicted or pleaded guilty (all counts): Kidnap for ransom, with fire arm.

7. What was your plea? (CHECK ONE)  
 (a) Not guilty   
 (b) Guilty   
 (c) Nolo contendere

8. If you pleaded not guilty, what kind of trial did you have? (CHECK ONE)  
 (a) Jury   
 (b) Judge only

9. Did you testify at the trial?  
 Yes  No

#### DIRECT APPEAL

10. Did you appeal from the judgment of conviction in the California Court of Appeal?  
 Yes  No

11. If you appealed in the California Court of Appeal, answer the following:

(a) Result: Denied

(b) Date of result, case number and citation, if known: MAY 21, 1996  
SDC 100110

(c) Grounds raised on direct appeal: lesser included offense instruction  
Jury instructions  
In sufficient evidence

12. If you sought further direct review of the decision on appeal by the California Supreme Court (e.g., a Petition for Review), please answer the following:

(a) Result: Denied

(b) Date of result, case number and citation, if known: AUGUST 28, 1996  
SO 5446

(c) Grounds raised: SAME Grounds

13. If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to that petition:

(a) Result: N/A

(b) Date of result, case number and citation, if known: \_\_\_\_\_

(c) Grounds raised: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

#### COLLATERAL REVIEW IN STATE COURT

14. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions (e.g., a Petition for Writ of Habeas Corpus) with respect to this judgment in the California Superior Court?

Yes  No

15. If your answer to #14 was "Yes," give the following information:

(a) California Superior Court Case Number: RIC 183898

(b) Nature of proceeding: WRT for HABEAS CORPUS

(c) Grounds raised: Petitioner suffered a Due Process Rights Violation

Petitioner suffered a 90 DAY credit loss

Director violated its own Time limits

(d) Did you receive an evidentiary hearing on your petition, application or motion?

Yes  No

(e) Result: Denied

(f) Date of result: 11-6-07

16. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions (e.g., a Petition for Writ of Habeas Corpus) with respect to this judgment in the California Court of Appeal?

Yes  No

17. If your answer to #16 was "Yes," give the following information:

(a) California Court of Appeal Case Number: E044541

(b) Nature of proceeding: writ of Habeas Corpus

(c) Grounds raised: same grounds as superior

(d) Did you receive an evidentiary hearing on your petition, application or motion?  
 Yes  No

(e) Result: Denied

(f) Date of result: December 11, 2007

18. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions (e.g., a Petition for Writ of Habeas Corpus) with respect to this judgment in the California Supreme Court?

Yes  No

19. If your answer to #18 was "Yes," give the following information:

(a) California Supreme Court Case Number: S 159040

(b) Nature of proceeding: writ of Habeas Corpus

(c) Grounds raised: same grounds as appellate

(d) Did you receive an evidentiary hearing on your petition, application or motion?  
 Yes  No

(e) Result: Denied

(f) Date of result: JANUARY 23, 2008

20. If you did *not* file a petition, application or motion (e.g., a Petition for Review or a Petition for Writ of Habeas Corpus) with the California Supreme Court, containing the grounds raised in this federal Petition, explain briefly why you did not:

Petitioner HAS received A silent Denial To This Point in HIS writ from The STATE Courts.

**COLLATERAL REVIEW IN FEDERAL COURT**

21. Is this your first federal petition for writ of habeas corpus challenging this conviction?

Yes  No (If "YES" SKIP TO #22)

(a) If no, in what federal court was the prior action filed? \_\_\_\_\_  
 (i) What was the prior case number? \_\_\_\_\_  
 (ii) Was the prior action (CHECK ONE):  
 Denied on the merits?  
 Dismissed for procedural reasons?  
 (iii) Date of decision: \_\_\_\_\_  
 (b) Were any of the issues in this current petition also raised in the prior federal petition?  
 Yes  No  
 (c) If the prior case was denied on the merits, has the Ninth Circuit Court of Appeals given you permission to file this second or successive petition?  
 Yes  No

**CAUTION:**

- **Exhaustion of State Court Remedies:** In order to proceed in federal court you must ordinarily first exhaust your state court remedies as to each ground on which you request action by the federal court. This means that even if you have exhausted some grounds by raising them before the California Supreme Court, you must first present *all* other grounds to the California Supreme Court before raising them in your federal Petition.
- **Single Petition:** If you fail to set forth all grounds in this Petition challenging a specific judgment, you may be barred from presenting additional grounds challenging the same judgment at a later date.
- **Factual Specificity:** You must state facts, not conclusions, in support of your grounds. For example, if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do. A rule of thumb to follow is — state who did exactly what to violate your federal constitutional rights at what time or place.

GROUND FOR RELIEF

22. State *concisely* every ground on which you claim that you are being held in violation of the constitution, law or treaties of the United States. Summarize *briefly* the facts supporting each ground. If necessary, you may attach pages stating additional grounds and/or facts supporting each ground.

(a) **GROUND ONE:** Petitioner suffered A Due Process Rights violation in A Disciplinary Proceeding

Supporting FACTS (state briefly without citing cases or law) The Director in his DETERMINATION of Petitioners APPEAL PROCESS STATED THAT There WAS NO TIME CONSTRAINTS ON Petitioners re-hearing in his Disciplinary Proceeding. Petitioner WAS ISSUED A Rule VIOLATION REPORT, found Guilty And Petitioner APPEALED, Petitioner's APPEAL WAS GRANTED in PART Due To Due Process VIOLATIONS And was Granted ANOTHER HEARING.

Petitioner waited for another hearing after he received a memo stating the rule violation report would be re-issued/reheard.

The violation occurred when there was a lapse in time over 117 DAYS which is NOT procedure. when Petitioner inquired about the (RVR) to the Appeals Coordinator another memo was generated stating the (RVR) would be re-issued and re-heard, and in the regulatory time frame Petitioner had another hearing and was found guilty.

Did you raise GROUND ONE in the California Supreme Court?

Yes  No.

(b) **GROUND TWO:** Petitioner suffered a 90 Day Credit loss Due To his Appeal Being Denied And Petitioner found Guilty.

Supporting FACTS (state briefly without citing cases or law): Petitioner was found Guilty and Assessed 90 Days of lossed Credit Due To The unfair Hearing which was a result from Administrators failure To Comply with Disciplinary Proceedings practices and Procedures.

Did you raise **GROUND TWO** in the California Supreme Court?

Yes  No.

(c) **GROUND THREE:** The Director violated its own Time limits for the Purpose it is Designed for.

Supporting FACTS (state briefly without citing cases or law): The STATUTE OF LIMITATIONS on notices for rehearings are 30 DAYS, The Director in his review STATED The disciplinary Time Constraints shall Begin on The DATE The (RUR) is ordered TO be reheard, But The director had A full understanding of The lapse in Time involved in Petitioners APPEAL.

Did you raise **GROUND THREE** in the California Supreme Court?

Yes  No.

(d) **GROUND FOUR:** N/A

Supporting FACTS (state *briefly* without citing cases or law): \_\_\_\_\_

Did you raise **GROUND FOUR** in the California Supreme Court?

Yes  No.

23. Do you have any petition or appeal now pending in any court, either state or federal, pertaining to the judgment under attack?

Yes  No

24. If your answer to #23 is "Yes," give the following information:

(a) Name of Court: \_\_\_\_\_

(b) Case Number: \_\_\_\_\_

(c) Date action filed: \_\_\_\_\_

(d) Nature of proceeding: \_\_\_\_\_

(e) Grounds raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(f) Did you receive an evidentiary hearing on your petition, application or motion?

Yes  No

25. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

(a) At preliminary hearing: Albert Tamayo office of The Public Defenders  
233 A STREET # 100 SAN Diego, CA 92101-1109

(b) At arraignment and plea: SAME ATTORNEY

(c) At trial: SAME AS Above

(d) At sentencing: SAME AS Above

(e) On appeal: Roberta K. Thyfault California Western School of Law

(f) In any post-conviction proceeding: 225 Cedar STREET SAN Diego, CA

(g) On appeal from any adverse ruling in a post-conviction proceeding: \_\_\_\_\_

26. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?

Yes  No

27. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes  No

(a) If so, give name and location of court that imposed sentence to be served in the future:

(b) Give date and length of the future sentence: \_\_\_\_\_

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes  No

28. Date you are mailing (or handing to a correctional officer) this Petition to this court: \_\_\_\_\_

2-19-08

Wherefore, Petitioner prays that the Court grant Petitioner relief to which he may be entitled in this proceeding.

SIGNATURE OF ATTORNEY (IF ANY)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

2-19-08

(DATE)

Terrence K. Norman

SIGNATURE OF PETITIONER

**S159040**

**IN THE SUPREME COURT OF CALIFORNIA**

**En Banc**

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In re TORRANCE K. NORMAN on Habeas Corpus

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The petition for writ of habeas corpus is denied.

**SUPREME COURT**  
**FILED**

JAN 23 2008

Frederick K. Ohlrich Clerk

---

Deputy

**GEORGE**

---

Chief Justice

Name Terrance K. Norman  
 Address P.O. Box 2349  
Blythe, CA 92226  
Chukawalla Valley State Prison  
 CDC or ID Number J-32599

RECEIVED

DEC 12 2007 SUPREME COURT

CLERK SUPREME COURT FILED

DEC 12 2007

The SUPREME COURT OF Frederick K. Ohlrich Clerk  
The STATE OF CALIFORNIA \_\_\_\_\_  
 (Court) \_\_\_\_\_ Deputy

Terrance K. Norman  
 Petitioner  
 vs.  
Warden: J.F. SAIAZAR ET AL  
Department of Corrections & Rehabilitation  
 Respondent

PETITION FOR WRIT OF HABEAS CORPUS

**S159040**

(To be supplied by the Clerk of the Court)

## INSTRUCTIONS—READ CAREFULLY

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.

• Read the entire form before answering any questions.

• This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.

• Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."

• If you are filing this petition in the Superior Court, you need file only the original unless local rules require additional copies. Many courts require more copies.

• If you are filing this petition in the Court of Appeal, file the original and four copies of the petition and, if separately bound, one copy of any supporting documents.

• If you are filing this petition in the California Supreme Court, file the original and ten copies of the petition and, if separately bound, two copies of any supporting documents.

• Notify the Clerk of the Court in writing if you change your address after filing your petition.

• In most cases, the law requires service of a copy of the petition on the district attorney, city attorney, or city prosecutor. See Penal Code section 1475 and Government Code section 72193. You may serve the copy by mail.

Approved by the Judicial Council of California for use under rule 8.380 of the California Rules of Court [as amended effective January 1, 2007]. Subsequent amendments to rule 8.380 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.

## This petition concerns:

<input type="checkbox"/> A conviction	<input type="checkbox"/> Parole
<input type="checkbox"/> A sentence	<input type="checkbox"/> Credits
<input type="checkbox"/> Jail or prison conditions	<input checked="" type="checkbox"/> Prison discipline

Other (specify): Due Process Violations

1. Your name: Terrance K. Norman

2. Where are you incarcerated? CHUCKAWALLA Valley STATE Prison

3. Why are you in custody?  Criminal Conviction  Civil Commitment

Answer subdivisions a. through i. to the best of your ability.

a. State reason for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon").

KIDNAP for Ransom, with Fire ARM

b. Penal or other code sections: 209 (A) AND 12022.5 (A)

c. Name and location of sentencing or committing court: SAN Diego County 220 West Broadway Room 3102 SAN Diego, CA 92101-3888

d. Case number: SOC 100110

e. Date convicted or committed: July 15 1994

f. Date sentenced: AUGUST 30, 1994

g. Length of sentence: Life with The Possibility of Parole

h. When do you expect to be released? 2009

i. Were you represented by counsel in the trial court?  Yes.  No. If yes, state the attorney's name and address:

Albert Tamayo Office of The Public Defenders 233 A STREET  
# 1100 San Diego, CA 92101-4009

4. What was the LAST plea you entered? (check one)

Not guilty  Guilty  Nolo Contendere  Other: \_\_\_\_\_

5. If you pleaded not guilty, what kind of trial did you have?

Jury  Judge without a jury  Submitted on transcript  Awaiting trial

## 6. GROUNDS FOR RELIEF

**Ground 1:** State briefly the ground on which you base your claim for relief. For example, "the trial court imposed an illegal enhancement." (if you have additional grounds for relief, use a separate page for each ground. State ground 2 on page four. For additional grounds, make copies of page four and number the additional grounds in order.)

Petitioner is seeking review in the Supreme Court to order petition to be granted based on the due process violations that are presented herein (see Exhibit B-1 Petitioners writ of habeas corpus).

a. Supporting facts:

Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts upon which your conviction is based. *If necessary, attach additional pages.* CAUTION: You must state facts, not conclusions. For example, if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to allege sufficient facts will result in the denial of your petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.) A rule of thumb to follow is: *who did exactly what to violate your rights at what time (when) or place (where).* (*If available, attach declarations, relevant records, transcripts, or other documents supporting your claim.*)

(See ATTACHED STATEMENT OF THE CASE EXHIBIT B-1 Page 4)

b. Supporting cases, rules, or other authority (optional):

*(Briefly discuss, or list by name and citation, the cases or other authorities that you think are relevant to your claim. If necessary, attach an extra page.)*

(See Table of Authorities herein Exhibit B-1 Page ii)

7. Ground 2 or Ground \_\_\_\_\_ (if applicable):

MC-275

(See Exhibit B-1 on Page 6)

a. Supporting facts:

(See Table of Authorities Exhibit B-1 on Page ii)

Also (See Claims Presented Exhibit B-1 Page 5, 6, 7.)

b. Supporting cases, rules, or other authority:

CALIFORNIA CODE OF REGULATIONS

TITLE 15 (CCR)

DEPARTMENT OPERATIONS MANUAL  
(DOM)

UNITED STATES CONSTITUTION

8. Did you appeal from the conviction, sentence, or commitment?  Yes.  No. If yes, give the following information:

a. Name of court ("Court of Appeal" or "Appellate Dept. of Superior Court"):

The California Court of Appeals Fourth District

b. Result upheld The Conviction

c. Date of decision: May 21, 1996

d. Case number or citation of opinion, if known: SOC 100110

e. Issues raised: (1) lesser included offense Instructions

(2) Jury Instructions

(3) In sufficient Evidence

f. Were you represented by counsel on appeal?  Yes.  No. If yes, state the attorney's name and address, if known:

Robert A. Thyfalt California Western School of Law 222 Cedar St  
San Diego, CA 92100

9. Did you seek review in the California Supreme Court?  Yes  No. If yes, give the following information:

a. Result Denied

b. Date of decision: \_\_\_\_\_

c. Case number or citation of opinion, if known: DO21865

d. Issues raised: (1) SAME AS ABOVE

(2) \_\_\_\_\_

(3) \_\_\_\_\_

10. If your petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal:

\_\_\_\_\_

\_\_\_\_\_

11. Administrative Review:

a. If your petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your petition, even if it is otherwise meritorious. (See *In re Muszalski* (1975) 52 Cal.App.3d 500 [125 Cal.Rptr. 286].) Explain what administrative review you sought or explain why you did not seek such review:

Petitioner filed in The Ninth Circuit Court of Appeals  
but Petitioner was advised by Counsel NOT TO GO ANY  
further because of relevance.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

b. Did you seek the highest level of administrative review available?  Yes.  No.

*Attach documents that show you have exhausted your administrative remedies.*

12. Other than direct appeal, have you filed any other petitions, applications, or motions with respect to this conviction, commitment, or issue in any court?  Yes. If yes, continue with number 13.  No. If no, skip to number 15. MC-275

13. a. (1) Name of court: Southern District Court of California 96-CU-1715 BTM(CJBS)

(2) Nature of proceeding (for example, "habeas corpus petition"): Habeas Corpus Petition

(3) Issues raised: (a) SAME ISSUES

(b) \_\_\_\_\_

(4) Result (Attach order or explain why unavailable): Denied

(5) Date of decision: July 17, 1998

b. (1) Name of court: NINTH CIRCUIT COURT OF APPEALS NO. 01-56156

(2) Nature of proceeding: Habeas Corpus

(3) Issues raised: (a) SAME ISSUES

(b) \_\_\_\_\_

(4) Result (Attach order or explain why unavailable): Denied

(5) Date of decision: JUNE 2003

c. For additional prior petitions, applications, or motions, provide the same information on a separate page.

14. If any of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result:

\_\_\_\_\_

\_\_\_\_\_

15. Explain any delay in the discovery of the claimed grounds for relief and in raising the claims in this petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.)

\_\_\_\_\_

\_\_\_\_\_

16. Are you presently represented by counsel?  Yes.  No. If yes, state the attorney's name and address, if known:

\_\_\_\_\_

17. Do you have any petition, appeal, or other matter pending in any court?  Yes.  No. If yes, explain:

\_\_\_\_\_

\_\_\_\_\_

18. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court:

Habeas Corpus is the APPROPRIATE remedy for petitioner AFTER A Denial in The Court of Appeals.

I, the undersigned, say: I am the petitioner in this action. I declare under penalty of perjury under the laws of the State of California that the foregoing allegations and statements are true and correct, except as to matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Date: 12-9-07

  
(SIGNATURE OF PETITIONER)

COURT OF APPEAL -- STATE OF CALIFORNIA  
FOURTH DISTRICT  
DIVISION TWO

ORDER

DEC 04 2007

In re

E044541 COURT OF APPEAL FOURTH DISTRICT

TORRANCE NORMAN

(Super.Ct.Nos. RIC483898 &  
SDC100110)

on Habeas Corpus.

The County of Riverside

THE COURT

The petition for writ of habeas corpus is DENIED.

KING

Acting P. J.

cc: See attached list

**COPY**

## STATEMENT OF FACTS

1 The order of The Superior Court must not  
 2 stand because of the issues brought before  
 3 the court in Petitioners writ were not  
 4 addressed. Petitioner is requesting this honorable  
 5 court to enforce the standards promulgated  
 6 by law and review Petitioners writ based on  
 7 the factors specified by statute and regulations  
 8 and Petitioners Constitutional rights to have all  
 9 issues reviewed in a court of law.

10 The Superior Court Denied Petitioners writ  
 11 based on the California Rule of Court 4.551,  
 12 "Petition is Denied Due to the failure of the petition  
 13 to state a prima facie factual case supporting  
 14 Petitioner's release". (See order exhibit A-1)

15 Petitioners writ is not even about his  
 16 release, its challenging administrative procedures  
 17 and practices requesting the court to dismiss  
 18 Petitioners (RUR) in the interest of justice for  
 19 violating Petitioners due process rights and  
 20 failing to abide by policy which statutory and  
 21 Constitutional mandates and provides essential due  
 22 process guarantees to ensure fairness and equal  
 23 application.

24 Petitioner is also a layman who has a very limited  
 25 understanding of the law and has a request for  
 26 assistance of counsel in the form of a motion.

27 Petitioner has placed all information and rules

1 And Regulation And Procedures and Policies Denying  
2 with His Issues (see exhibit Writ B-1) along  
3 with (Table of Authorities Page ii).

4 For All The foregoing reasons, This Petitioner  
5 Prays That This Honorable Court of Appeals NOT  
6 Allow The Superior Courts Order of Denial STAND  
7 And To GRANT Petitioners Writ of HABEAS CORPUS,  
8 And GRANT Petitioners MOTION for ASSISTANCE of  
9 Counsel if deemed Proper.

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12 Dated  
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Respectfully Submitted

Torrance K. Norman  
Petitioner In Pro Per

~~REDACTED~~

EXHIBIT

A-1

1 SUPERIOR COURT OF CALIFORNIA  
2 COUNTY OF RIVERSIDE  
3

4 IN THE MATTER OF THE APPLICATION OF: ) Case No.: No. RIC483898

5 Torrance K. Norman )  
6 FOR A WRIT OF HABEAS CORPUS )  
7 )  
8 )  
9 )

ORDER RE: PETITION FOR WRIT  
OF HABEAS CORPUS **FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE

NOV 06 2007

Th

10 The Court, having read and considered the Petition for Writ of Habeas  
11 Corpus, presented this 6 day of NOV, 2007, hereby orders  
12 the following: Denied

13  
14 ✓ Pursuant to California Rule of Court 4.551, the petition is  
15 denied due to the failure of the petition to state a prima  
16 facie factual case supporting petitioner's release. While  
17 the petition states a number of factual conclusions, these  
18 broad conclusions are not backed up with specific details,  
19 and/or are not supported by the record in the case.

20  
21 Pursuant to California Rule of Court 4.551, the petition is  
22 denied due to the failure of the petition to state a prima  
23 facie case supporting petitioner's claim. The petition  
24 makes assertions regarding the applicable law that are  
25 contrary to established California case decisions.

1  
2  
3  
4 Pursuant to California Rule of Court 4.551, the petition is  
5 denied due to the failure of the petition to establish that  
6 petitioner has exhausted available administrative remedies.

7  
8 Pursuant to California Rule of Court 4.551, the petition is  
9 denied because the petition failed to raise any new issue  
10 that has not previously been addressed in an earlier Writ  
11 petition.

12  
13 Pursuant to California Rule of Court 4.551, the petition is  
14 denied because the petition is now moot due to changed  
15 conditions.

16  
17 Pursuant to California Rule of Court 4.551(b), the court  
18 invites respondent to submit an informal response to the  
19 petition within 15 days. Should an informal response be  
20 submitted, it shall be served on petitioner. Petitioner  
21 shall have an additional 15 days after service of the  
22 informal response in which to file a reply.

23  
24 Pursuant to California Rule of Court 4.551(c), the court  
25 finds that the petition states a prima facie basis for  
relief and Respondent is ordered to show cause why the

1 petition should not be granted. Respondent is ordered to  
2 submit a Return to the Petition within 30 days.

3  
4 Pursuant to Griggs v. Superior Court (1976) 16 C3d 341,  
5 the court finds that the petition states a prima facie  
6 basis for relief and transfers the petition to the  
7 Superior Court of California, County of \_\_\_\_\_,  
8 the court whose proceedings are asserted as being in error  
9 by the petition.

10  
11 \_\_\_\_\_  
12 \_\_\_\_\_  
13 \_\_\_\_\_  
14 \_\_\_\_\_  
15 \_\_\_\_\_  
16 Dated: NOV 6, 2007

G. Magers

17 Judge of the Superior Court  
18 County of Riverside  
19  
20  
21  
22  
23  
24  
25

Notice 'CCM' has been printed for the following Attorneys/Firms  
or Parties for Case Number RIC483898 on 11/08/07:

TORRANCE K NORMAN  
PO BOX 2349 J-32599 C.V.S.P  
BLYTHE, CA 92226

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

www.riverside.courts.ca.gov

4100 Main Street, Riverside, CA 92501  
 4050 Main Street, Riverside, CA 92501  
 4175 Main Street, Riverside, CA 92501  
 880 N. State Street, Hemet, CA 92543  
 41002 County Center Dr. #100 Temecula, CA 92591  
 135 N. Alessandro Rd. Banning, CA 92220  
 505 S. Buena Vista Ave., Corona, CA 91720  
 13800 Heacock #D201, Moreno Valley, CA 92553

CLERKS CERTIFICATE OF MAILING

APPELLANT: J.F. SALAZAR WARDEN

VS.

RESPONDENT: TORRANCE K NORMAN  
Case No. RIC483898

TO:

I, clerk of the above entitled court, do hereby certify I am not a party to the within action or proceeding; that on the date below indicated, I served a copy of the attached DENIED by depositing said copy enclosed in a sealed envelope with postage thereon fully prepaid in the mail at Riverside, California addressed as above.

CLERK OF THE COURT

Dated: 11/08/07

By: TASHA A MARTIN  
TASHA A MARTIN

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE  
www.riverside.courts.ca.gov

- 4100 Main Street, Riverside, CA 92501
- 4050 Main Street, Riverside, CA 92501
- 4175 Main Street, Riverside, CA 92501
- 880 N. State Street, Hemet, CA 92543
- 41002 County Center Dr. #100 Temecula, CA 92591
- 135 N. Alessandro Rd. Banning, CA 92220
- 505 S. Buena Vista Ave., Corona, CA 91720
- 13800 Heacock #D201, Moreno Valley, CA 92553

CLERKS CERTIFICATE OF MAILING

APPELLANT: J.F. SALAZAR WARDEN

VS.

RESPONDENT: TORRANCE K NORMAN  
Case No. RIC483898

TO: TORRANCE K NORMAN  
PO BOX 2349 J-32599 C.V.S.P  
BLYTHE CA 92226

I, clerk of the above entitled court, do hereby certify I am not a party to the within action or proceeding; that on the date below indicated, I served a copy of the attached DENIED by depositing said copy enclosed in a sealed envelope with postage thereon fully prepaid in the mail at Riverside, California addressed as above.

CLERK OF THE COURT

Dated: 11/08/07

By: Tasha A. Martin  
TASHA A MARTIN

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE  
Minute Order/Judgment

Case No.: 483898 Date: 11/06/07 Dept:  
Case Name: TORRANCE K NORMAN.  
Case Category: Writ of Habeas Corpus  
Hearing: Order DENIED by WRITS OF HABEAS CORPUS; Honorable Judge PATRICK  
F. MAGERS.

\*\*\*\*\*  
Habeas Corpus

Petition for WRITS OF HABEAS CORPUS Denied.

Exhibit

B-1

MC-275

Name Torrance K. NormanAddress P.O. Box 2349Blythe, CA 92226CHUCKAWALA Valley STATE PrisonCDC or ID Number J-32599Superior Court of California  
County of Riverside  
(Court)

## PETITION FOR WRIT OF HABEAS CORPUS

Petitioner

Torrance K. Norman  
warden; J.F. SALAZAR et al.  
DEPARTMENT of Corrections and Rehabilitation

Respondent

No. \_\_\_\_\_

(To be supplied by the Clerk of the Court)

## INSTRUCTIONS—READ CAREFULLY

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.
- Read the entire form before answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the Superior Court, you need file only the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal, file the original and four copies of the petition and, if separately bound, one copy of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and ten copies of the petition and, if separately bound, two copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.
- In most cases, the law requires service of a copy of the petition on the district attorney, city attorney, or city prosecutor. See Penal Code section 1475 and Government Code section 72193. You may serve the copy by mail.

Approved by the Judicial Council of California for use under rule 8.380 of the California Rules of Court [as amended effective January 1, 2007]. Subsequent amendments to rule 8.380 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.

Page 1 of 6

This petition concerns:

A conviction  Parole  
 A sentence  Credits  
 Jail or prison conditions  Prison discipline  
 Other (specify): Along with Due Process Violations and Time Constraints.

1. Your name: Torrance K. Norman2. Where are you incarcerated? Chuckwalla Valley State Prison3. Why are you in custody?  Criminal Conviction  Civil Commitment

Answer subdivisions a. through i. to the best of your ability.

a. State reason for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon").

Kidnap for Ransom, with Firearmb. Penal or other code sections: 209 (A) And 12022.5(A)c. Name and location of sentencing or committing court: San Diego County, 220 West Broadway  
Room 3102 San Diego CA 92101-3888d. Case number: SDC 10D110e. Date convicted or committed: July 15, 1994f. Date sentenced: August 30, 1994g. Length of sentence: Life with The Possibility of Paroleh. When do you expect to be released? 2008i. Were you represented by counsel in the trial court?  Yes.  No. If yes, state the attorney's name and address:Albert Tamayo office of Public Defenders 233 A Street  
# 400 SAN Diego, CA 92101-4109

4. What was the LAST plea you entered? (check one)

 Not guilty  Guilty  Nolo Contendere  Other: \_\_\_\_\_

5. If you pleaded not guilty, what kind of trial did you have?

 Jury  Judge without a jury  Submitted on transcript  Awaiting trial

## 6. GROUNDS FOR RELIEF

Ground 1: State briefly the ground on which you base your claim for relief. For example, "the trial court imposed an illegal enhancement." (If you have additional grounds for relief, use a separate page for each ground. State ground 2 on page four. For additional grounds, make copies of page four and number the additional grounds in order.)

Petitioner is seeking relief from this Court based on the operations and procedures in process of a disciplinary procedure. Petitioner is also requesting this Honorable Court to order the Respondents to comply with time limits and procedural processes, for which a Due Process violation resulted.

## a. Supporting facts:

Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts upon which your conviction is based. If necessary, attach additional pages. CAUTION: You must state facts, not conclusions. For example, if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to allege sufficient facts will result in the denial of your petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.) A rule of thumb to follow is: who did exactly what to violate your rights at what time (when) or place (where). (If available, attach declarations, relevant records, transcripts, or other documents supporting your claim.)

There was a procedural irregularity which took place during the Petitioner's Appeal Process and Disciplinary Procedure.

On 6-26-06 Petitioner was issued a (RVR) Rule Violation Report for Mutual Combat and was found Guilty on 7-15-06. Petitioner appealed the (RVR) based on Due Process rights violations in his hearing and his appeal was granted in part. Petitioner received a memorandum dated 12-1-2006 that the Appeals Coordinator M.R. Bunts recommended that the (RVR) be reissued/reheard.

Petitioner waited for the (RVR) to be ordered for about 117 days which is not procedure. So Petitioner wrote Mr. Bunts and asked about the reissuance of the (RVR) and another memorandum was generated and the Petitioner was issued a new (RVR) and found Guilty within the 30 day period.

## b. Supporting cases, rules, or other authority (optional):

(Briefly discuss, or list by name and citation, the cases or other authorities that you think are relevant to your claim. If necessary, attach an extra page.)

Petitioner relies on the (D.O.M.) Department Operations Manual section 54100.18.3.3 - 54100.3.1, along with 5d080.2 and 5d080.3.1 California Code of Regulations Title 15 Section 3320(b) 3320(a)

7. Ground 2 or Ground \_\_\_\_\_ (if applicable):

MC-275

There was a Due Process violation which accrued when the December 1 memorandum was generated and a order for the (RVR) was never generated.

Due Process was denied by a significant lapse in time.

a. Supporting facts:

Petitioner waited over 117 days for a procedure to take place which never did until he inquired about the action. Petitioner's supporting facts are presented in this petition in the form of exhibits, herein.

b. Supporting cases, rules, or other authority:

(DOM) Department Operations Manual

Section 52080.2 52080.3.1 54100.3.1 54100.18.3.3

California Code of Regulations Title 15

3320 (A) 3320 (B)

8. Did you appeal from the conviction, sentence, or commitment?  Yes.  No. If yes, give the following information:

a. Name of court ("Court of Appeal" or "Appellate Dept. of Superior Court"):

The California Court of Appeal forth District

b. Result UPHELD The Conviction

c. Date of decision: MAY 21, 1996

d. Case number or citation of opinion, if known: SDC 100110

e. Issues raised: (1) lesser included offense instruction

(2) Jury instructions

(3) Insufficient evidence

f. Were you represented by counsel on appeal?  Yes.  No. If yes, state the attorney's name and address, if known:

Robert A Thyfault Calif Western schl of law 225 cedar st San Diego

9. Did you seek review in the California Supreme Court?  Yes  No. If yes, give the following information:

a. Result Denied

b. Date of decision: \_\_\_\_\_

c. Case number or citation of opinion, if known: 0021865

d. Issues raised: (1) SAME AS ABOVE

(2) \_\_\_\_\_

(3) \_\_\_\_\_

10. If your petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal:

\_\_\_\_\_

\_\_\_\_\_

11. Administrative Review:

a. If your petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your petition, even if it is otherwise meritorious. (See *In re Muszalski* (1975) 52 Cal.App.3d 500 [125 Cal.Rptr. 286].) Explain what administrative review you sought or explain why you did not seek such review:

Petitioner filed in The 9<sup>th</sup> circuit Court of Appeals

Petitioner was advised by Counsel not to Continue Because of Relevance.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

b. Did you seek the highest level of administrative review available?  Yes.  No.

*Attach documents that show you have exhausted your administrative remedies.*

12. Other than direct appeal, have you filed any other petitions, applications, or motions with respect to this conviction, commitment, or issue in any court?  Yes. If yes, continue with number 13.  No. If no, skip to number 15. MC-275

13. a. (1) Name of court: Southern District Court of California 96-cv-1715-BTMCA

(2) Nature of proceeding (for example, "habeas corpus petition"): HABEAS CORPUS PETITION

(3) Issues raised: (a) SAME ISSUES

(b) \_\_\_\_\_

(4) Result (Attach order or explain why unavailable): Denied

(5) Date of decision: July 17, 1998

b. (1) Name of court: NINTH CIRCUIT COURT OF APPEALS no. 01-56156

(2) Nature of proceeding: \_\_\_\_\_

(3) Issues raised: (a) SAME ISSUES

(b) \_\_\_\_\_

(4) Result (Attach order or explain why unavailable): Denied

(5) Date of decision: June 2003

c. For additional prior petitions, applications, or motions, provide the same information on a separate page.

14. If any of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result:

\_\_\_\_\_

\_\_\_\_\_

15. Explain any delay in the discovery of the claimed grounds for relief and in raising the claims in this petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.)

\_\_\_\_\_

\_\_\_\_\_

16. Are you presently represented by counsel?  Yes.  No. If yes, state the attorney's name and address, if known:

\_\_\_\_\_

17. Do you have any petition, appeal, or other matter pending in any court?  Yes.  No. If yes, explain:

\_\_\_\_\_

\_\_\_\_\_

18. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court:

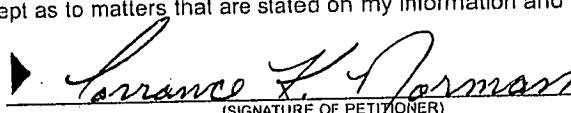
\_\_\_\_\_

\_\_\_\_\_

I, the undersigned, say: I am the petitioner in this action. I declare under penalty of perjury under the laws of the State of California that the foregoing allegations and statements are true and correct, except as to matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Date:

10-22-07

  
(SIGNATURE OF PETITIONER)

1 Terrance K. Norman  
2 J-32599 C7-181 Low  
3 CHUCKAWALLA Valley STATE Prison  
4 P.O. Box 2349  
5 Blythe, CA 92226  
6 Petitioner In Pro Per

7  
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 IN AND FOR THE COUNTY OF RIVERSIDE

10  
11 IN RE TERRANCE NORMAN)  
12 Petitioner  
13  
14 ON HABEAS CORPUS

CASE NO  
Corpus And Memorandum of  
Points And Authorities Along  
with accompanying Exhibits in  
Support Thereof.

15  
16  
17 Petition for Writ of HABEAS CORPUS And Accompanying  
18 Exhibits  
19  
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28 14<sup>th</sup> Amendment; Equal Protection of The Law Pg 7

# CLAIMS PRESENTED

## 1 FIRST CLAIM

2 Petitioner suffered a Due Process Rights  
3 Violation Due To Prison Authorities not Complying  
4 with Procedural and Regulation on Reasonable  
5 Timing as Prescribed in the Title 15 California Code  
6 of Regulations, and the D.O.M.

## 10 SECOND CLAIM

12 Petitioner suffered a credit loss Due To This  
13 Appeal Issue Being Denied To The exhausted  
14 Administrative level of his Appeal.

## 17 THIRD CLAIM

19 The Director violated its own time limits  
20 for the purpose it is designed for.

1 Torrance K. Norman

2 J-32599 CT-181 Low

3 Chuckawalla Valley STATE Prison

4 P.O. Box 2349

5 Blythe, CA 92226

6 Superior Court for the STATE of California  
7 In And for The County of Riverside

8 In RE Torrance Norman

9 PETITION

10 11 12 13 ON HABEAS CORPUS

CASE NO.

Petition for Writ of HABEAS

Corpus and Memorandum of  
Points and Authorities in Support

Thereof.

14  
15 To The Honorable Judge of The Superior Court  
16 of The STATE of California, in And for The County  
17 of Riverside; Petitioner Torrance Norman, In  
18 Pro Per, Hereby Petitions This Court for A Writ of  
19 HABEAS CORPUS directed To Warden J.F. SALAZAR et  
20 AL. Department of Corrections Chuckawalla Valley STATE  
21 Prison (CVSP), Blythe, California, ordering The  
22 Respondent To Dismiss The (RVR) in The Interest of  
23 Justice for Violating Petitioners Due Process Rights  
24 in Accordance with CDC Operations Manual and The  
25 California Code of Regulations Title 15 Section 3320(a)  
26 and 3320(b) Along with Section 52080.2 of The D.O.M.

1 Petitioner respectfully Prays That A Writ of  
2 HABEAS CORPUS be Issued by This Court directing  
3 The Warden of CHUCKAWALLA Valley STATE Prison  
4 ET. AL. To Dismiss Petitioners (RVR) in The  
5 Interest of Justice for Violating His Due  
6 Process Rights And Failing To Abide by Policy,  
7 Purpose And Procedures of Their own Rules, and  
8 Regulations, which is in violation of Petitioners Due Process Rights.

9 In Addition Petitioner respectfully Prays That  
10 This Court will GRANT Any And All other relief  
11 deemed Proper.

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15 DATED 10-22-07  
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Respectfully Submitted

Terrance K. Norman  
Petitioner In pro Per

1 Petitioner Filed A 602 Appelling A (RVR)  
2 Rule Violation Report, For Mutual Combat which was Issued  
3 on June 26 2006, Petitioner Had His Hearing on 7-15-06  
4 And was Found Guilty. Petitioner Filed An Appeal For  
5 A Due Process Violation Log # CUST 06-012891 on The DATE  
6 of 11-6-06. Appeals Coordinator M. R. Bunts Granted  
7 The Appeal in Part. See Exhibit (Petitioner's Appeal  
8 Page 12 )(12 of 2), Appeals Coordinator M. R. Bunts  
9 Generated The Memorandum on The DATE of 12-1-06  
10 THAT The RVR was Recommended To be Reissued/Reheard  
11 And M. R. Bunts never referred The (RVR) until 117  
12 Days later when Petitioner notified M. R. Bunts about  
13 The Issue Because Petitioner wanted To Apply His  
14 Appeal Right. Soon After on 3-28-07 J. M. Cortez  
15 Associate Warden, ordered The 115 reissued And reheard.  
16 On 4-3-07 Petitioner received The (RVR) And on 4-27-07  
17 Petitioner was Found Guilty of The (RVR).  
18

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## FIRST CLAIM

1 Petitioner Suffered A Due Process Rights Violation  
 2 Due To Prison Authorities NOT Complying with DABR Section  
 3 3320(A) And 3320(b) of The Title 15 (CCR)  
 4 California Code of Regulations During A Disciplinary  
 5 Procedure which Petitioner Argued in His Appeal see  
 6 Exhibit (APPEAL Pg. 3 of 2) Time limits.  
 7 The Director determined in His Decision THAT There  
 8 WAS NO Time Constraint Violation in Regards To The  
 9 Aforementioned information, see Exhibit (APPEAL Pg. 1 of 1) This  
 10 determination CAN NOT STAND BECAUSE of The Time limits  
 11 SECTION AND HEARING Procedures of The Title 15 (CCR)  
 12 PLACES A limitation on The Hearing Process in its entirety.  
 13 SECTION 52080.2 of The Department of Corrections  
 14 Operations Manual (D.O.M) STATES The INMATE disciplinary  
 15 SYSTEM INCORPORATES STATUTORY AND CONSTITUTIONAL MANDATES AND  
 16 PROVIDES ESSENTIAL due PROCESS GUARANTEES TO ensure FAIRNESS  
 17 AND EQUAL PROTECTION. AUTHORITIES DID NOT FOLLOW THE PROCEDURE  
 18 OF SECTION 52080.3.3.1 OR 52080.3.3 OF THE (D.O.M)  
 19 DURING PETITIONERS DISCIPLINARY ACTION. IT WAS OBVIOUS THAT  
 20 APPEALS COORDINATOR DID NOT AUDIT PETITIONERS (RVR) BECAUSE  
 21 OF THE UNREASONABLE TIME LAPSE BETWEEN THE MEMORANDUM  
 22 OF DECEMBER 1 2006 SEE EXHIBIT (APPEAL Pg. 12 - 12 of 2)  
 23 AND MEMORANDUM OF MARCH 28 2007 SEE EXHIBIT (APPEAL Pg. 5).  
 24 PETITIONER IS REQUESTING THIS COURT TO GRANT THIS PETITION  
 25 BASED ON THE DUE PROCESS RIGHTS VIOLATION THAT PETITIONER  
 26 HAS SUFFERED, DUE TO TIME LIMITS OF 5410D.18.3.1 OF THE  
 27 (D.O.M).

## Second Claim

1 Petitioner suffered a 90 day Credit loss due to  
 2 This appeal being denied and Petitioner found Guilty

3  
 4 Petitioner was found Guilty and assessed 90 days  
 5 of lossed Credit due to this unfair hearing which  
 6 was a result from Respondents failure to comply with  
 7 section 3320(f)(5) of the (CCr.15) "notifications"  
 8 Petitioner was never notified of any reason for a  
 9 extraordinary circumstances preventing a hearing within 30 days.  
 10 The Appeals Coordinator did not comply to section  
 11 54100.18.3.2 because a order for a rehearing  
 12 was never generated in a responsible amount of time  
 13 which section 54100.18.3.1 of the (D.O.M) reflects.

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## Third Claim

1 The Director violated its own Time limits  
 2 for the purpose it is designed for

3  
 4 The director in his review stated the disciplinary  
 5 time constraints shall begin on the date the (RVR) is  
 6 ordered to be reheard, (see exhibit Petitioners Appeal  
 7 page 1 of 1) The director had a full understanding of  
 8 the time lapse involved in Petitioners Appeal, but in his  
 9 review the (DLR) still determined that there was no  
 10 time constraint violation in regards to the aforementioned  
 11 information. The Director chose to turn his head on  
 12 the purpose of the design which is section 52080.2  
 13 of the (O.O.M) which mandates and provides essential due  
 14 process guarantees to ensure that inmates discipline is  
 15 applied and administered in accordance with procedures provided  
 16 in this section, in every section there is a time limitation, as  
 17 section 52080.9 hearing procedures and time limitations of the  
 18 (O.O.M) expresses, 30 days of the written notice.  
 19 when the Director violated these section of the (O.O.M) Petitioners  
 20 suffered a violation of his rights to the 14<sup>th</sup> Amendment: Due  
 21 process of law, and his rights to the 14<sup>th</sup> Amendment: Equal  
 22 protection of the law.

Exhibit  
Petitioners Appeal

Pages 1-12 of 2

STATE OF CALIFORNIA  
DEPARTMENT OF CORRECTIONS AND REHABILITATION  
INMATE APPEALS BRANCH  
P. O. BOX 942883  
SACRAMENTO, CA 94283-0001

**DIRECTOR'S LEVEL APPEAL DECISION**

OCT 03 2007

Date:

In re: Torrance Norman, J32599  
Chuckawalla Valley State Prison  
P.O. Box 2289  
Blythe, CA 92226

IAB Case No.: 0616900 Local Log No.: CVSP-07-00389

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner P. D. Vera, Facility Captain. All submitted documentation and supporting arguments of the parties have been considered.

**I APPELLANT'S ARGUMENT:** The appellant is submitting this appeal relative to CDC Form 115, Rules Violation Report (RVR), Log #C06-07-0007R, dated March 28, 2007, for Mutual Combat. It is the appellant's position that on June 26, 2006, he was issued an RVR for Mutual Combat and was found guilty. However, based upon due process violations the Appeals Coordinator recommended for the RVR be reissued and reheard on December 1, 2006. He claims that the RVR was never reissued and reheard until a new memorandum was generated on March 28, 2007. He was found guilty on April 27, 2007; however, he believes that a time constraints due process violation now exists. He requests that the aforementioned RVR be dismissed in the interest of justice for violating his due process rights in accordance with CDC Operations Manual Section 54100.18.2, and California Code of Regulations, Title 15, Section (CCR) 3320.

**II SECOND LEVEL'S DECISION:** The reviewer found that on March 28, 2007, the Chief Disciplinary Officer (CDO) ordered the appellant's CDC Form 115, Rules Violation Report (final copy) to be reissued/reheard and he was given a memorandum on the same date informing him of the intent to reissue/rehear the CDC 115, with his Investigative Employee present and the Reporting Employee not present during deliberations. He was issued his initial copies of the CDC 115 dated March 28, 2007, Log #C06-07-0007R, for Mutual Combat, on April 3, 2007. He was afforded all due process rights and all time constraints were met. He was found guilty of the charges based upon the preponderance of the evidence submitted at the hearing. He has not provided evidence which would suggest the passage of time between the first CDC 115 and the subsequent rehearing. Therefore the Second Level of Review (SLR) has determined that his CDC 115 will not be dismissed. The appellant's appeal is denied at the SLR.

**III DIRECTOR'S LEVEL DECISION:** Appeal is denied.

**A. FINDINGS:** Upon review of all documentation submitted, it appears the appellant has failed to support his appeal issues with sufficient evidence to warrant a modification of the Senior Hearing Officer's finding and disposition. Pursuant to CCR 3084.5(h)(3), when a disciplinary charge is ordered reheard, a new CDC Form 115 shall be written and processed. The disciplinary time constraints shall begin on the date the RVR is ordered to be re-heard, except when an inmate is being returned to a facility for a disciplinary rehearing, the time constraints shall begin upon the inmate's return to that facility. Although the Appeals Coordinator made the recommendation for RVR Log #C06-07-0007, to be reissued and reheard on December 1, 2006, the CDO did not order the RVR to be reissued and reheard until March 28, 2007. The Director's Level of Review (DLR) has determined that there was no time constraint violation in regards to the aforementioned information. Therefore, the appellant has failed to present any new evidence or compelling argument to warrant a modification of the decision reached by the SLR.

The appellant has added new issues and requests to his appeal. The additional requested action is not addressed herein as it is not appropriate to expand the appeal beyond the initial problem and the initially requested action (CDC Form 602, Inmate/Parolee Appeal Form, Sections A and B). Relief at the DLR is not warranted.

Page 1 of 1

TORRANCE NORMAN, J32599

CASE NO. 0616900

PAGE 2

**B. BASIS FOR THE DECISION:**

CCR: 3005, 3286, 3315, 3318, 3320, 3323

**C. ORDER:** No changes or modifications are required by the Institution.

This decision exhausts the administrative remedy available to the appellant within CDCR.



N. GRANNIS, Chief  
Inmate Appeals Branch

cc: Warden, CVSP  
Appeals Coordinator, CVSP

1082

INMATE/PAROLEE  
APPEAL FORM

CDC 602 (12/87)

Location: Institution/Parole Region

MAY 9 2007.

2.

DVSP

Log No.

07-00389

Category

1

You may appeal any policy, action or decision which has a significant adverse effect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
Norman T	J-32599	AM Kitchen worker	O-10-173L

A. Describe Problem: On 6-26-06 MR Norman was Issued (RVR) for Mutual Combat And was Found guilty on 7-15-06. MR Norman appealed Due To Due Process Violations Log No: CUSP 06-012891 on The Date of 11-6-06. A memo was Generated By Appeals Coordinator MR Bunts on 12-1-2006 recommending THAT The (RVR) Be reissued/reheard (see Copy of memo) A (RVR) was never reissued or reheard until A new memo THAT WAS Generated on 3-28-2007 stating MR Bunts made The SAME recommendation but on March 26, 2007. After A TOTAL of Just About 4 months The RVR was reissued and reheard on 4-27-2007 MR Norman was Found Guilty Of The (RVR).

If you need more space, attach one additional sheet. BASED on Section 54100, 18.3.1 of The D.O.M And

B. Action Requested: THAT The (RVR) Be Dismissed in The Interest of Justice for Violating MR Normans Due Process rights in Accordance with The D.O.M SECTION 54100, 18.2 and CCR Title 15 Section 3320.

Inmate/Parolee Signature: Terrence Norman

Date Submitted: 5-5-07

C. INFORMAL LEVEL (Date Received: \_\_\_\_\_)

Staff Response: \_\_\_\_\_

PLAT 2007  
DATE 05/05/07  
BRANCH 20  
TYPE 11  
S

Staff Signature: \_\_\_\_\_

Date Returned to Inmate: 5-5-07

## D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification Chrono, CDC 12B, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

**DISMISSED**

Signature: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number: \_\_\_\_\_

--

The Title 15 Section 3320 The Time limits for holding A Rehearing shall Conform To Those specified in The CCR (15) 3320 for Processing.

The Original Charge.

MR Norman HAS suffered This Due Process violation Due TO The significant lapse of Time which makes it improbable if not impossible for The accused To present an adequate defense.

There HAS been such a significant lapse in Time that MR Normans witness MR Archer is NOT available to him, which prevents MR Norman from Presenting an Adequate defense.

The main topic of This Issue is The First memo Dated December 1 2006 And signed By MR Bunts was ~~not~~ THAT The RVR was never reissued, And Then Another memo was Generated almost 4 months later THAT was NOT signed By MR Bunts, BUT This violates MR Normans Due Process Rights To The ODM Section 54100.18.2 And section 3320 of The Title 15.

Time limits (D.O.M) Section 54100,18.3.1 (Time limits for holding a rehearing shall conform to those specified in the CCR (15) 3320 for processing the original charge.)

Section 3320(a) of the Title 15 states a copy of the CDC form 115 and all nonconfidential reports to be relied upon in a disciplinary hearing shall normally be provided to the inmate within 24 hours after the CDC form 115 has been classified serious or administrative and within 30 days of the misconduct, but not later than 15 days from the date the information tending to the charges is discovered by staff.

Section 3320(b) of the Title 15 states the charges shall be heard within 30 days from the date the inmate is provided a copy of the CDC form 115.

MR Normans evidence are the memo's contained herein which MR BUNTS reviewed as pertinent information, on 6-26-06, and the memo of 3-28-07. MR Norman relies on the D.O.M and the CCR (15) as applied to California regulations.

MR Norman has also attached a previous letter on this issue on 12-13-06 about the adverse affects he would receive if the 115 was reheard.

THANK you for your time  
Lorraine Norman

State of California

Department of Corrections and Rehabilitation

## Memorandum

Date: May 22, 2007

To: Torrance Norman, J-32599  
Chuckawalla Valley State Prison

Subject: SECOND LEVEL APPEAL RESPONSE  
LOG NO.: CVSP 07-00389

### ISSUE:

You are appealing a matter regarding a disciplinary charge (CDC 115). You received a CDC 115 dated 3-28-07, Log #C06-07-0007R, for Mutual Combat. You contend you are not guilty.

You are requesting the CDC 115 be dismissed in the interest of justice on the basis of due process violations.

INTERVIEWED BY: M. R. Bunts, Inmate Appeals Coordinator and M. K. Reichle, Staff Services Analyst, on 5-15-07. In reaching a decision, all relevant documentation was researched.

REGULATIONS: The rules governing this issue are:

### **California Code of Regulations, Title 15, Section (CCR) 3000.5. Rules of Construction.**

The following rules of construction apply to these regulations, except where otherwise noted:

(f) The time limits specified in these regulations do not create a right to have the specified action taken within the time limits. The time limits are directory, and the failure to meet them does not preclude taking the specified action beyond the time limits.

### **CCR 3005. Conduct.**

(c) Force and Violence. Inmates shall not willfully commit or assist another person in the commission of a violent injury to any person or persons, including self mutilation or attempted suicide, nor attempt or threaten the use of force and violence upon another person. Inmates shall not willfully attempt to incite others, either verbally or in writing, or by other deliberate action, to use force or violence upon another person.

TORRANCE NORMAN, J-32599  
CASE NO. 07-00389  
PAGE 2

**CCR 3312. Disciplinary Methods.**

(b) Chief Disciplinary Officer Review of Disciplinary Actions. All disciplinary methods and actions shall be reviewed by the chief disciplinary officer, who shall be the institution head or a designee not below the level of correctional administrator or parole administrator I.

(1) The chief disciplinary officer shall affirm, reverse or modify the disciplinary action and/or credit forfeiture. The chief disciplinary officer may order a different action, order a different method of discipline, dismiss a charge, order a rehearing of the charge, or combine any of these actions.

**CCR 3320. Hearing Procedures and Time Limitations.**

(1) The inmate may present documentary evidence in defense or mitigation of the charges. Any finding of guilt shall be based upon determination by the official(s) conducting the disciplinary hearing that a preponderance of evidence submitted at the hearing substantiates the charge. At the conclusion of the disciplinary hearing, the inmate shall be informed of the findings and disposition of the charge and of the right to and procedure for appeal of the action. Within five working days following review of the CDC Form 115 and CDC Form 115-A by the chief disciplinary officer, the inmate shall be provided a copy of the completed CDC Form 115 containing the findings, disposition, and evidence relied upon in reaching the conclusions.

Inmate Norman, in reviewing all pertinent information, on 6-26-06 you were initially issued the original CDC 115 and found guilty. You submitted an appeal (Log #06-01289) requesting the CDC 115 be dismissed on the basis due process rights were violated. Your appeal was partially granted and the CDC 115 was referred to the CDO for review, with a recommendation that it be reissued/reheard. On 3-28-07 the CDO ordered the 115 reissued/reheard and you were given a memorandum on the same date informing you of the intent to reissue/rehear the CDC 115 with your Investigative Employee present and the Reporting Employee not present during the deliberations. You were issued initial copies of the CDC 115 dated 3-28-07, Log #C06-07-0007R, for Mutual Combat, on 4/3/07. You were afforded all due process rights with time constraints met and you were found guilty of the charges. You have not provided evidence which would suggest the passage of time between the first CDC 115 and the subsequent rehearing, prejudiced the findings of guilt. Therefore, your CDC 115 will not be dismissed.

DECISION: The appeal is denied.

You are advised this issue may be submitted for a Director's Level of Review if desired.

*M. R. Bunts*  
M. R. BUNTS  
Inmate Appeals Coordinator

JFS/MRB/lg

cc: Central File  
Inmate Appeals

*J. F. Salazar*  
J. F. SALAZAR  
Warden (A)

*Page 4 of 2*

ate of California

California Department of Corrections and Rehabilitation

## Memorandum

Date: 03-28-2007



To: J. Burt  
Captain (A)  
Facility C

Subject: REISSUE AND REHEAR RULES VIOLATION REPORT LOG # C06-07-0007

On July 04, 2006, Inmate Norman T. (J-32599), was issued a Rules Violation Report (RVR), Log # C06-07-0007, for the specific act of Mutual Combat. On July 15, 2006 Inmate Norman was found GUILTY as charged and assessed 90 days forfeiture of credits.

On March 26, 2007, Correctional Counselor II M. R. Bunts, Appeals Coordinator, reviewed the Inmate/Parolee Appeal Form (CDC 602) Inmate Norman submitted, Log # CVSP-X-06-01289. CCII Bunts issued a Modification Order referring the RVR to the Chief Disciplinary Officer with a recommendation to reissue and rehear the RVR with the Investigatory Employee present as well as not having the reporting employee present during deliberations.

Based on the above, I am ordering Rules Violation Report Log # C06-07-0007 to be reissued and reheard.

J. M. Cortez  
Associate Warden  
Complex II

CDC-804 COMPLETED:

OCII INT:

ATE OF CALIFORNIA

## ULES VIOLATION REPORT

ASSIGNMENT:

ETHNIC: BLK

DOB: 5/15/64

GPL: 9.0

D10/173 L

DEPARTMENT OF CORRECTIONS

NUMBER	INMATE'S NAME	RELEASE/BOARD DATE	INST.	HOUSING NO.	LOG NO.
J-32599	Norman, T.	Lifer	CVSP	D10-166M	006-07-0007R
LATED RULE NO(S).	SPECIFIC ACTS	LOCATION	DATE	TIME	
3005(c)	Mutual Combat	C-Kit	03/28/07	1025 HOURS	

CUMSTANCES On July 04, 2006, Inmate Norman T. (J-32599), was issued a Rules Violation Report (RVR), Log #006-07-0007, the specific act of Mutual Combat. On July 15, 2006, Inmate Norman was found GUILTY as charged and assessed 90 days forfeiture of credits.

March 26, 2007, Correctional Counselor II, M.R. Bunts, Appeals Coordinator, reviewed the Inmate/Parolee Appeal Form C 602) Inmate Norman submitted, Log #CVSP-X-06-01289. OCII Bunts issued a Modification Order referring the RVR to Chief Disciplinary Officer with a recommendation to reissue and rehear the RVR with the Investigative Employee present well as not having the reporting employee present during deliberations. Therefore, on March 28, 2007, A/W Cortezler Rules Violation Report Log 006-07-0007 to be reissued and reheard.

Monday, June 26, 2006, at approximately 1025 hours, while performing my duties as the "C" kitchen Supervising Cook while releasing Kitchen workers to serve bag lunches, I turned and saw Inmate Norman, T., (J-32599, C7-211L), and inmate Archer, R., (V-16270, C6-215U) fighting in the dinning room.

## Continuation on Part-C (Page #2)

PORTING/EMPLOYEE (Typed Name and Signature)	DATE	ASSIGNMENT	RDO'S			
M. Perry, Supervising Cook, I	4/13/07	C-Kit	T/F			
VIEWING SUPERVISOR'S SIGNATURE	DATE	□ INMATE SEGREGATED PENDING HEARING				
P. Chavira, Sergeant	4/3/07	DATE	LOC.			
ASSIFIED	OFFENSE DIVISION:	CLASSIFIED BY (Typed Name and Signature)	HEARING REFERRED TO			
ADMINISTRATIVE	D (61-90)	► C. Roe, Correctional Counselor II	□ HO <input checked="" type="checkbox"/> SHO <input type="checkbox"/> SC <input type="checkbox"/> FC			
SERIOUS	4-207	COPIES GIVEN INMATE BEFORE HEARING				
CDC 115	BY: (STAFF'S SIGNATURE)	DATE	TIME	TITLE OF SUPPLEMENT		
	► M. Perry	4/4/07	0940	Reissue Memo CDC 72195 (2)		
INCIDENT REPORT LOG NUMBER:	BY: (STAFF'S SIGNATURE)	DATE	TIME	BY: (STAFF'S SIGNATURE)	DATE	TIME
	► M. Perry			► M. Perry	4/4/07	0940

HEARING On April 27, 2007, at approximately 1125 hours, Inmate Norman (J-32599) made a personal appearance before this Senior Hearing Officer (SHO), Correctional Lieutenant D. Mireles, for the purpose of adjudicating this Rules Violation Report (RVR). This SHO inquired about the status of his health and Inmate Norman indicated he was in Good health. Inmate Norman was asked if he received a copy of all pertinent documents to be relied upon for this disciplinary hearing at least twenty-four (24) hours prior to this hearing. He indicated he had and is ready to proceed. The disciplinary charge of "Mutual Combat" were reviewed with Inmate Norman in the hearing. Inmate Norman stated that he understood and was prepared to begin.

DUE PROCESS: There are no due process issues as Inmate Norman was provided a copy of the charge(s) within the allotted 15 days and the RVR is being adjudicated within the allotted thirty (30) days. RVR Log# 006-07-0007 was ordered Reissued/Reheard on March 28, 2007. Norman was provided a copy of the charge(s) on April 04, 2007 (within 15 days). The RVR was adjudicated on April 27, 2007 (within 30 days) of Inmate Norman being provided a copy.

MENTAL HEALTH SERVICES DELIVERY SYSTEM (MHSDS): Inmate Norman is not a participant in the MHSDS at any level of care and did not exhibit any bizarre and/or unusual behavior therefore, did not require a mental health assessment prior to the adjudication of this RVR.

## Continuation on Part-C (Page #2)

REFERRED TO	<input type="checkbox"/> CLASSIFICATION	<input type="checkbox"/> BPT/NAEA	DATE	TIME
ACTION BY: (TYPED NAME)			SIGNATURE	
D. Mireles, Correctional Lieutenant			► M. Perry	4-28-07 1200
REVIEWED BY: (SIGNATURE)	DATE	CHIEF DISCIPLINARY OFFICER'S SIGNATURE	DATE	TIME
► J. Burt, Facility C Captain (A)	5/3/07	► J. Cortez, A.M., Complex II	5-4-07	
BY: (STAFF'S SIGNATURE)			DATE	TIME
► J. M. Perry			5/4/07	1230
COPY OF CDC 115 GIVEN INMATE AFTER HEARING				

STATE OF CALIFORNIA

## SERIOUS RULES VIOLATION REPORT

NUMBER J-32599	INMATE'S NAME Norman, T.	VIOLATED RULE NO(S). OCRS 3005(c)	DATE 03/28/07	INSTITUTION CVSP	LOG NO. 006-07-0007R
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REFERRAL FOR FELONY PROSECUTION IS LIKELY IN THIS INCIDENT  YES  NO

## POSTPONEMENT OF DISCIPLINARY HEARING

I DO NOT REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE ►	DATE
I REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE ► DM	DATE

NOTICE OF OUTCOME RECEIVED	DISPOSITION	
----------------------------	-------------	--

I REVOKE my request for postponement.	INMATE'S SIGNATURE ► Dm	DATE
---------------------------------------	----------------------------	------

STAFF ASSISTANT REQUESTED	INMATE'S SIGNATURE ► DM	DATE
------------------------------	----------------------------	------

ASSIGNED	DATE	NAME OF STAFF	DM
----------	------	---------------	----

NOT ASSIGNED	REASON	INMATE DOES NOT MEET CRITERIA PER OCRS 3315(d)(2)
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## INVESTIGATIVE EMPLOYEE

INVESTIGATIVE EMPLOYEE REQUESTED	INMATE'S SIGNATURE ►	DATE
-------------------------------------	-------------------------	------

ASSIGNED	DATE 4-17-07	NAME OF STAFF J MARQUEZ
----------	-----------------	----------------------------

NOT ASSIGNED	REASON	INMATE DOES NOT MEET CRITERIA PER OCRS 3315(d)(1)
--------------	--------	---

DENCE / INFORMATION REQUESTED BY INMATE:

## WITNESSES

WITNESSES REQUESTED AT HEARING (IF NOT PRESENT, EXPLAIN IN FINDINGS)  
REPORTING EMPLOYEE  STAFF ASSISTANT  INVESTIGATIVE EMPLOYEE  OTHER  NONE

WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER) ARCHER (V16270)	GRANTED <input type="checkbox"/> NOT GRANTED <input checked="" type="checkbox"/>	WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)	GRANTED <input type="checkbox"/> NOT GRANTED <input type="checkbox"/>
--	--	---	---

INVESTIGATIVE REPORT: Investigative Employees must interview the inmate charged, the reporting employee, and any others who have significant information, documenting testimony of each person interviewed. Review of files, procedures, and other documents may also be necessary.

On Tuesday, April 17, 2007, I was assigned the duties of Investigative Employee for CDC-115, Log #006-07-0007R. I explained my duties to Inmate Norman T. (CD# J-32599), as Investigative Employee, and that is to gather relevant information and facts for the Senior Hearing Officer. Inmate Norman, T., stated he had no objections to me serving this capacity.

Defendant's Statement: There is a statue of limitation to the Re-Issue, Re-hear 115. This 115 is void because it violates Inmate Norman's due process.

Reporting Employee Statement: On Monday, June 26, 2006, at approximately 1025 hours, while performing my duties as the "C" kitchen Supervising Cook I, while releasing Kitchen workers to serve bag lunches, I turned and saw Inmate Norman, T., (J-32599, C7-211L), and Inmate Archer, R., (V-16270, C6-215U) fighting in the dining room. I ordered both Inmates to stop and sit on the floor. Inmate Norman would not stop hitting Inmate Archer. Inmate Archer had his hands (palms open) up around his head and face area trying to stop the punches from Inmate Norman. I then pushed the personal alarm and both Inmates stopped fighting and got down on the floor. Yard Staff (C/O's) responded to the kitchen and placed both Inmates in hand cuffs and removed them from the Kitchen.

CONTINUED ON PART C. PAGE 2.

INVESTIGATOR'S SIGNATURE ► J. MARQUEZ, C/O	DATE 04/17/07
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COPY OF CDC 115-A GIVEN INMATE	BY: (STAFF'S SIGNATURE) ► J. MARQUEZ	TIME 0940	DATE 4/14/07
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STATE OF CALIFORNIA

## INMATE VIOLATION REPORT - PART C

DEPARTMENT OF CORRECTIONS

PAGE \_\_\_\_ OF \_\_\_\_

C NUMBER 32599	INMATE'S NAME Norman, T.	LOG NUMBER 006-07-0007R	INSTITUTION CVSP	TODAY'S DATE 03/28/07
<input type="checkbox"/> SUPPLEMENTAL <input checked="" type="checkbox"/> CONTINUATION OF: <input checked="" type="checkbox"/> 115 CIRCUMSTANCES <input type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER _____				

dered both inmates to stop and sit on the floor. Inmate Norman would not stop hitting Inmate Archer. Inmate Archer then pushed both hands (palms open) up around his head and face area trying to stop the punches from Inmate Norman. I then pushed personal alarm and both Inmates stopped fighting and got down on the floor. Yard Staff (C/O's) responded to the hen and placed both Inmates in hand cuffs and removed them from the Kitchen. Inmate Norman is aware of this report.

At the time of this report Inmate Norman was not designated as meeting the Mental Health Services System as noted by Reviewing Supervisor of this report.

SIGNATURE OF WRITER M. Perry, Supervising Cook I		DATE SIGNED 4/3/07
<input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature) <i>J. Marquez</i>	DATE SIGNED 4/4/07
		TIME SIGNED 0940

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

PAGE        OF       

## RULES VIOLATION REPORT - PART C

CDC NUMBER J-32599	INMATE'S NAME Norman, T.,	LOG NUMBER C05-07-0337R	INSTITUTION CVSP	TODAY'S DATE 04/17/07
<input type="checkbox"/> SUPPLEMENTAL <input checked="" type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input type="checkbox"/> HEARING <input checked="" type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER _____				

Staff Witnesses Statement: C/O Shupe made the following Statement: When I responded to the kitchen, Inmate Norman was sitting at a table and the other guy was sitting on the floor.

Inmate Witness Statement: None

Staff Requested at Hearing: None

Inmate Witnesses Requested at Hearing: None

Reporting Employee requested at Hearing: None

Investigative Employee requested at Hearing: No  
Additional Information contained in confidential report: No

Copy given to Inmate on 4/17/07 by J. Marquez Time 1:10P

SIGNATURE OF WRITER J. Marquez, Correctional Officer		DATE SIGNED 04/17/07
<input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature)	DATE SIGNED <u>4/17/07</u>
		TIME SIGNED <u>1:10P</u>

STATE OF CALIFORNIA

## RULES VIOLATION REPORT - PART C

DEPARTMENT OF CORRECTIONS

PAGE 2 OF 3

CDC NUMBER J-32599	INMATE'S NAME Norman, T.	LOG NUMBER 006-07-0007(R)	INSTITUTION CVSP	TODAY'S DATE 04/27/07
<input type="checkbox"/> SUPPLEMENTAL	<input checked="" type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input checked="" type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER			

**POSTPONEMENT OF DISCIPLINARY HEARING:** This RVR did not meet the criteria for referral to the Riverside District Attorney's Office.

**INVESTIGATIVE EMPLOYEE (IE):** Inmate Norman was assigned an IE pursuant CCR 3315(d)(1); he was rehoused on different facility and was unable to collect evidence and/or interview potential witnesses. Correctional Officer J. Marquez was assigned on 04/17/07 and was present at the hearing as requested by Inmate Norman. Inmate had no questions for the Investigative Employee Officer J. Marquez, therefore he was dismissed prior to deliberations.

**STAFF ASSISTANT (S.A.):** Inmate Norman was not assigned a SA pursuant CCR 3315(d)(2); he is not illiterate, as indicated by his GPL of 9.0; the issues are not complex; inmate speaks English and a confidential relationship is not required.

**WITNESSES:** Norman was advised of his rights to call witnesses. Inmate Norman requested Inmate Archer (V-16270) as a witness. Inmate Archer was denied by this SHO as he had no relevant information to assist in Inmate Norman's defense. This SHO allowed the following stipulated testimony by Inmate Archer; Archer states, Inmate Norman was not the aggressor and there was no intent for mutual combat whatsoever. Inmate Norman agrees to this stipulated testimony.

**PLEA/STATEMENT:** This SHO explained the circumstances of the RVR to Norman, speaking slowly; rephrasing sentences; using simple English. Norman explained his understanding of the RVR to this SHO's satisfaction and elected to plead Not Guilty. Inmate Norman was asked if he had any statement to make. He elected to make the following statement: "I was defending myself. The 115 being heard now violates my due process rights in accordance with DOM Section 54100.18.2 and CCR Title 15 Section 3320. Also, the fact that my witness is not made available to me does not allow me to provide an adequate defense for myself".

**FINDINGS:** Inmate Norman is being found GUILTY of violating CCR 3005(c), specifically, "Mutual Combat". This finding is based upon the preponderance of evidence submitted at the hearing which does substantiate the charge. The evidence includes:

- 1). The Reporting Employee's written report wherein CSCI Perry indicated, "while releasing kitchen workers to serve bag lunches, I turned and saw Inmate Norman, T. (J-32599, C7-211L) and Inmate Archer, R. (V-16270, C6-215U) fighting in the dining area. I ordered both inmates to stop and sit on the floor. Inmate Norman would not stop hitting Inmate Archer. Archer had both hands (palms open) up around his head and face area trying to stop the punches from Inmate Norman."
- 2). Inmate Norman's partial admission of Guilt wherein he stated during the hearing, "I was defending my self."
- 3). The Medical Report of Injury or Unusual Occurrence (7219) for both Inmate Norman and Inmate Archer indicate injuries consistent with having been involved in a physical altercation.
- 4). After careful review of all evidence relevant to this Rules Violation Report (RVR), this Senior Hearing Officer (SHO) believes that a preponderance of evidence has clearly been established and therefore a finding of "GUILTY" is justified.

Continuation on Part-C (Page #3)

SIGNATURE OF WRITER D. Mireles, Correctional Lieutenant		DATE SIGNED 04/27/07
<input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature) <i>J. Mireles</i>	DATE SIGNED 04/27/07
		TIME SIGNED 12:30

STATE OF CALIFORNIA

## RULES VIOLATION REPORT - PART C

DEPARTMENT OF CORRECTIONS

PAGE 3 OF 3

CDC NUMBER J-32599	INMATE'S NAME Norman, T.	LOG NUMBER 006-07-0007(R)	INSTITUTION CVSP	TODAY'S DATE 04/27/07
<input type="checkbox"/> SUPPLEMENTAL	<input checked="" type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES	<input checked="" type="checkbox"/> HEARING	<input type="checkbox"/> IE REPORT	<input type="checkbox"/> OTHER

**DISPOSITION:** Assessed Ninety (90) days forfeiture of BEHAVIORAL/WORK CREDITS, consistent with the provisions of CCR §3323, Disciplinary Forfeiture Schedule, for a Division "D" offense.

Inmate Norman was counseled warned and reprimanded regarding future behavioral expectations.

Inmate Norman has been apprised of the above finding(s) and his right to appeal these findings pursuant to CCR §3034.1. Inmate Norman was further advised that he would receive a completed copy of this Rules Violation Report upon final audit by the Chief Disciplinary Officer.

Inmate Norman was advised of his right to restoration of credits under CCR Section 3327 and 3328.

SIGNATURE OF WRITER D. Mireles, Correctional Lieutenant		DATE SIGNED 04/27/07
<input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature) <i>115-191-1</i>	DATE SIGNED 04/27/07
		TIME SIGNED 1230

STATE OF CALIFORNIA

EDICAL REPORT OF INJURY  
OR UNUSUAL OCCURRENCE

SHO

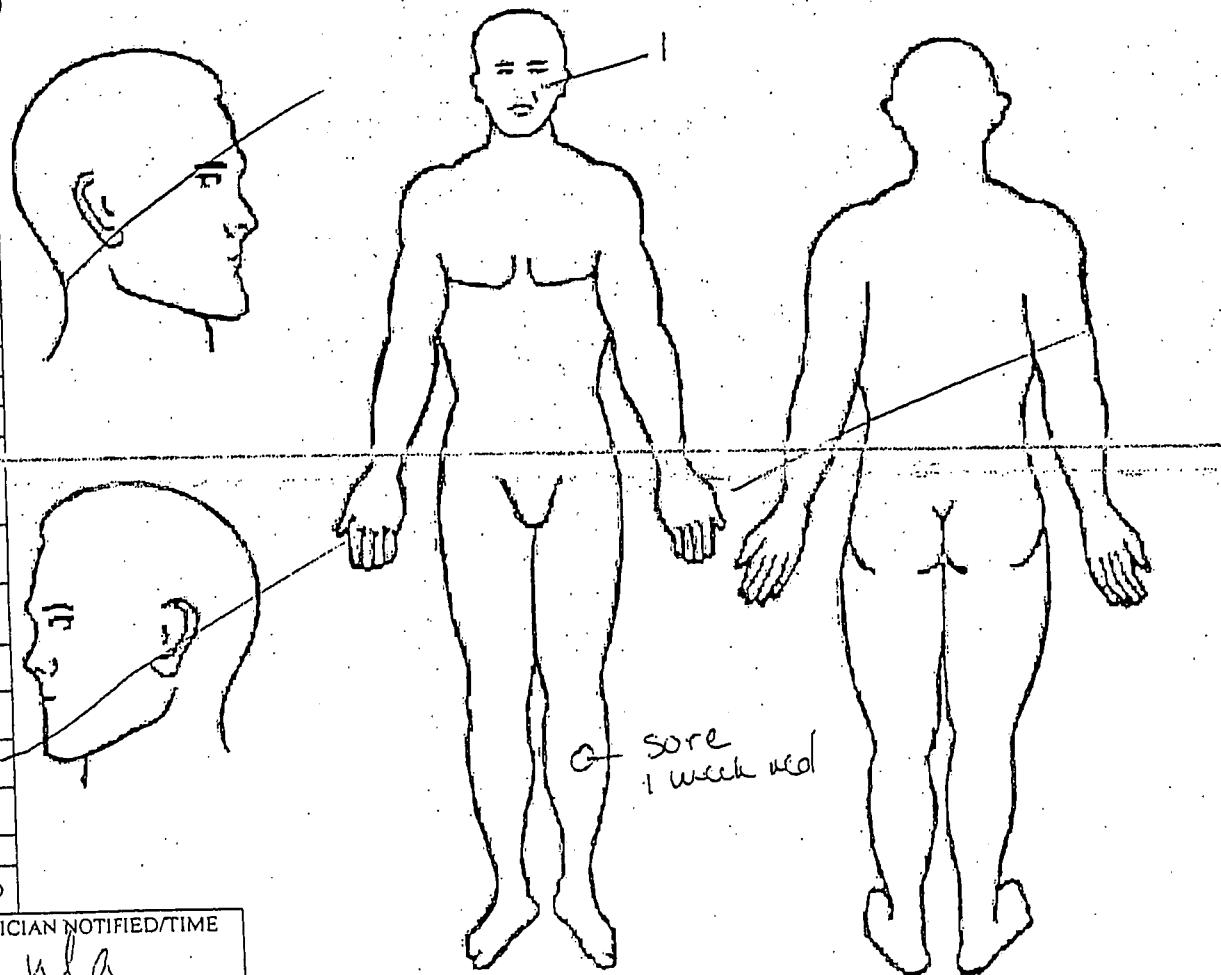
NAME OF INSTITUTION <b>NSP</b>	FACILITY/UNIT <b>C Kit</b>	REASON FOR REPORT (circle) USE OF FORCE	INJURY UNUSUAL OCCURRENCE	ON THE JOB INJURY PRE AD/SEG ADMISSION	DATE <b>6/6/06</b>	
THIS SECTION FOR MATE ONLY		NAME LAST <b>Norman</b>	FIRST <b>T</b>	CDC NUMBER <b>J32599</b>	HOUSING LOC <b>CD-2114</b>	
THIS SECTION FOR AFF ONLY		NAME LAST	FIRST	BADGE #	RANK/CLASS	
THIS SECTION FOR SITOR ONLY		NAME LAST	FIRST	MIDDLE	DOB	
		HOME ADDRESS	CITY	STATE	ZIP	HOME PHONE

ACE OF OCCURRENCE	DATE/TIME OF OCCURRENCE		NAME OF WITNESS(ES)						
WE NOTIFIED	TIME SEEN	ESCORTED BY	MODE OF ARRIVAL	(circle)	LITTER	WHEELCHAIR	AGE	RACE	SEX
030	1035	Shurel	AMBULATORY	ON SITE			47	B	W

1. BRIEF STATEMENT, IN SUBJECT'S WORDS OF THE CIRCUMSTANCES OF THE INJURY OR UNUSUAL OCCURRENCE

Some guy just started choking me

INJURIES FOUND? YES / NO	
bras/Scratch	1
ctive Bleeding	2
roken Bone	3
ruise/Discolored Area	4
urn	5
islocation	6
ried Blood	7
resh Tattoo	8
ut/Laceration/Slash	9
), C. Spray Area	10
ain	11
ostrusion	12
uncture	13
eddened Area	14
skin Flap	15
), H. Area	16
), R. Area	17
	18
	19
D.C. SPRAY EXPOSURE? YES / NO	
DECONTAMINATED? YES / NO	
Self-decontamination instructions given?	YES / NO
Refused decontamination?	YES / NO
Q 15 min. checks	
Staff issued exposure packet? YES / NO	



RN NOTIFIED/TIME	PHYSICIAN NOTIFIED/TIME
11/24	11/24

REPORT COMPLETED BY/TITLE (PRINT AND SIGN)	BADGE #	RDOs
<i>Chumley, L</i>	41362	5/5/11

STATE OF CALIFORNIA

MEDICAL REPORT OF INJURY  
OR UNUSUAL OCCURRENCE

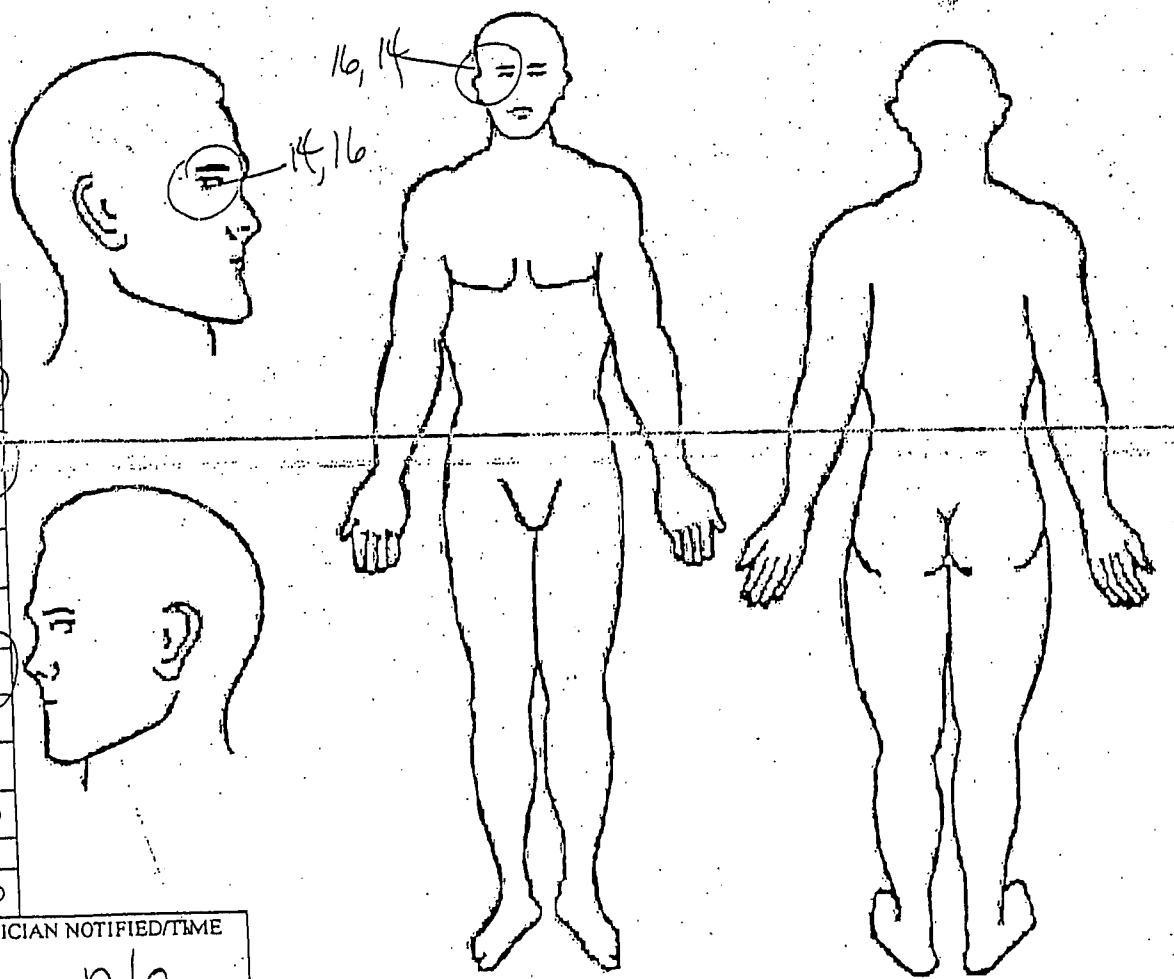
NAME OF INSTITUTION <i>CHP</i>	FACILITY/UNIT <i>CKH</i>	REASON FOR REPORT (circle)	INJURY	ON THE JOB INJURY	DATE <i>4/6/06</i>
		USE OF FORCE	UNUSUAL OCCURRENCE	PRE AD/SEG ADMISSION	
THIS SECTION FOR INMATE ONLY	NAME LAST <i>Grimes, R</i>	FIRST	CDC NUMBER <i>V16270</i>	HOUSING LOC. <i>Ch 2150</i>	NEW HOUSING LOC.
THIS SECTION FOR STAFF ONLY	NAME LAST	FIRST	BADGE #	RANK/CLASS	ASSIGNMENT/RDOs
THIS SECTION FOR VISITOR ONLY	NAME LAST	FIRST	MIDDLE	DOB	OCCUPATION
	HOME ADDRESS	CITY	STATE	ZIP	HOME PHONE <i>-31</i>

PLACE OF OCCURRENCE	DATE/TIME OF OCCURRENCE	NAME OF WITNESS(ES)						
TIME NOTIFIED <i>1030</i>	TIME SEEN <i>1040</i>	ESCORTED BY	MODE OF ARRIVAL (circle)	BITTER AMBULATORY	WHEELCHAIR ON SITE	AGE <i>43</i>	RACE <i>B</i>	SEX <i>M</i>

BRIEF STATEMENT IN SUBJECT'S WORDS OF THE CIRCUMSTANCES OF THE INJURY OR UNUSUAL OCCURRENCE

*I don't know what happened*

INJURIES FOUND? YES / NO	<input checked="" type="checkbox"/>
Abrasion/Scratch	<input type="checkbox"/> 1
Active Bleeding	<input type="checkbox"/> 2
Broken Bone	<input type="checkbox"/> 3
Bruise/Discolored Area	<input type="checkbox"/> 4
Burn	<input type="checkbox"/> 5
Dislocation	<input type="checkbox"/> 6
Dried Blood	<input type="checkbox"/> 7
Fresh Tattoo	<input type="checkbox"/> 8
Cut/Laceration/Slash	<input type="checkbox"/> 9
O.C. Spray Area	<input type="checkbox"/> 10
Pain	<input type="checkbox"/> 11
Protrusion	<input type="checkbox"/> 12
Puncture	<input type="checkbox"/> 13
Reddened Area	<input checked="" type="checkbox"/> 14
Skin Flap	<input type="checkbox"/> 15
Swollen Area	<input type="checkbox"/> 16
Other	<input type="checkbox"/> 17
	<input type="checkbox"/> 18
	<input type="checkbox"/> 19



RN NOTIFIED/TIME <i>Rascon 10:05 n/a</i>	PHYSICIAN NOTIFIED/TIME
---	-------------------------

TIME/DISPOSITION

*Released to Ashley*

REPORT COMPLETED BY/TITLE (PRINT AND SIGN)

*Chunwell*

BADGE #

*43295/4*

**GIVEN TO EACH INMATE AT TIME OF HEARING****INFORMATION ON CREDIT FORFEITURE/RESTORATION/DISCIPLINARY-FREE CRITERIA/TIME-FRAME/APPEAL**

- Chief Disciplinary Officer (Associate Warden)-all disciplinary methods and actions shall be reviewed by C.D.O. - C.C.R. #3312B(b).
- The C.D.O. shall affirm, reverse or modify the disciplinary action and/or Credit Forfeiture. The C.D.O. may order a different method of discipline, or dismiss a charge, order a rehearing of the charge, or combine any of these actions. C.C.R. #3312B(b)(j).
- Before the disciplinary hearing the official who initially classified the 115, or staff at a higher level, may change the classification of a 115, C.C.R. #3313C(i).
  - During the disciplinary hearing, the official conducting the hearing, may change a serious classification to administrative as a finding of the hearing, C.C.R. #3312(2).
  - Before or after the disciplinary hearing, the C.D.O. may change a serious classification to administrative, C.C.R. #3313(3).
  - After the disciplinary hearing, and administrative classification shall not be changed to serious, unless the C.D.O. or Director orders a rehearing of the charges as a serious rule violation, C.C.R. #3313.4
- When a rehearing is ordered by the C.D.O., the inmate will be provided all rights and procedural safeguards of a rule violation hearing, C.C.R. #3313 4(A).
  - An order for rehearing shall be in writing and shall include the reasons for the order. A copy of the order shall be provided to the inmate, C.C.R. #3313 4(B).
  - If the CDC 115 is reclassified from administrative to serious, the inmate shall receive written notice and shall be subject to the provisions of Section C.C.R. #3315 of the C.C.R.

**DISCIPLINARY CREDIT FORFEITURE SCHEDULE**

DIVISION A-1 .....	OFFENSE .....	181-360 .....	DAY'S LOSS
DIVISION A-2 .....	OFFENSE .....	151-180 .....	DAY'S LOSS
DIVISION B .....	OFFENSE .....	121-150 .....	DAY'S LOSS
DIVISION C .....	OFFENSE .....	91-120 .....	DAY'S LOSS
DIVISION D .....	OFFENSE .....	61-90 .....	DAY'S LOSS
DIVISION E .....	OFFENSE .....	31-60 .....	DAY'S LOSS
DIVISION F .....	OFFENSE .....	0-30 .....	DAY'S LOSS

**RESTORATION OF FORFEITED CREDITS**

(A) Credit that has been forfeited for a serious disciplinary offense shall be considered for restoration in accordance with the provisions of this Section C.C.R. #3327.  
 (B) Credit restoration shall be forfeited, if the inmate is found guilty of any rule violation within the required disciplinary free periods provided in Section #3328.

NO credit shall be restored for any misconduct which resulted in the victim's death or permanent disability, C.C.R. #3327(1).

Upon completion of a disciplinary free period as provided in C.C.R. #3328, an eligible inmate may apply to their counselor for credit restoration, by submitting a Form 958 "Application for Inmate's Restoration of Credits." A restoration hearing shall be conducted with 30 days of the inmates application. The inmate has a right to be present at the hearing and to a written decision of the committee. If the inmate doesn't meet the criteria for a credit restoration hearing, the counselor shall note the reason on the 958 and return it to the inmate, C.C.R. #3327 (1)(2).

**DISCIPLINARY - FREE PERIODS**

(A) A disciplinary-free period shall commence the day following issuance of the CDC 115, C.C.R. #3328.

DIVISION A-1 OR A-2 OFFENSE: No credit will be restored for an A-1 or A-2 offense, per administrative bulletin 96/4.

DIVISION B OR C OFFENSE: No credit will be restored for a "B" or "C" offense, per administrative bulletin 96/4.

~~EXCEPTION: If less than six months remains before the inmates established release date, a one time application may be made with 90 days of the established release date. If the inmate has remained disciplinary-free for the entire period and at least one month, C.C.R. #3328 (D).~~

~~\*all eligible divisions for restoration of credits - divisions "D", "E" and "F", will be subject to the provisions of C.C.R. Section 3327. (D.O.M. 52080.16). Exceptions to restoration time-frames are found C.C.R #3329 - Extraordinary Circumstances.~~

**APPEALS**

If you are dissatisfied with the disposition of a disciplinary action, you may request a review of the matter by submitting a CDC - 602 form along with the final copy of the CDC 115, signed by the C.D.O. to the Administrative Services Appeals Coordinator, C.C.R. #3084.5(2)(B). Attach corroborating substantiation as applicable.

You were found guilty of a Division D offense.

You were assessed 90 days loss of credit.

Log #: 006-07-0007R

CCRS 3005(c) "Mutual Combat"

Charge of:

This notice of Rights and Information was given to Inmate: Norman, T., CDC# J-32599

On: 4-27-07

(Date)

Hearing Officer: D MIRELES  
(Name)

cc: Inmate

Associate Warden complex I

Associate Warden complex II

Final copy Lt's file

First Level  Granted  P. Granted  Denied  Other \_\_\_\_\_

E. REVIEWER'S ACTION (Complete within 15 working days): Date assigned: \_\_\_\_\_ Due Date: \_\_\_\_\_

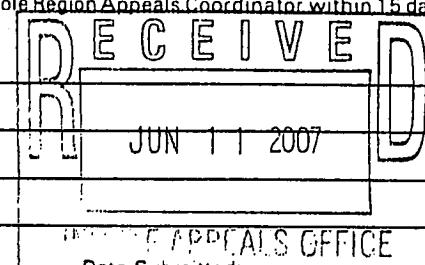
Interviewed by: \_\_\_\_\_

Staff Signature: \_\_\_\_\_ Title: \_\_\_\_\_ Date Completed: \_\_\_\_\_

Division Head Approved: \_\_\_\_\_ Returned \_\_\_\_\_

Signature: \_\_\_\_\_ Title: \_\_\_\_\_ Date to Inmate: \_\_\_\_\_

F. If dissatisfied, explain reasons for requesting a Second-Level Review, and submit to Institution or Parole Region Appeals Coordinator within 15 days of receipt of response.



Signature: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

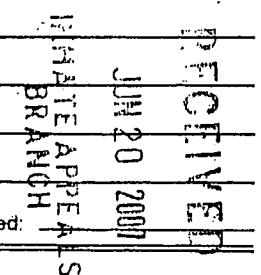
Second Level  Granted  P. Granted  Denied  Other \_\_\_\_\_

G. REVIEWER'S ACTION (Complete within 10 working days): Date assigned: 5-9-07 Due Date: 6-21-07

 See Attached LetterSignature: M.S. Bins Date Completed: 5/23/07Warden/Superintendent Signature: J. Salguero Date Returned to Inmate: 6/14/07

H. If dissatisfied, add data or reasons for requesting a Director's Level Review, and submit by mail to the third level within 15 days of receipt of response.

Signature: \_\_\_\_\_ Date Submitted: \_\_\_\_\_



For the Director's Review, submit all documents to: Director of Corrections

P.O. Box 942883  
Sacramento, CA 94283-0001  
Attn: Chief, Inmate Appeals

DIRECTOR'S ACTION:  Granted  P. Granted  Denied  Other \_\_\_\_\_ See Attached Letter

STATE OF CALIFORNIA  
DEPARTMENT OF CORRECTIONS AND REHABILITATION  
INMATE APPEALS BRANCH  
P. O. BOX 942883  
SACRAMENTO, CA 94283-0001

**DIRECTOR'S LEVEL APPEAL DECISION**

Date: **MAR 14 2007**

In re: Norman, J-32599  
Chuckawalla Valley State Prison  
P.O. Box 2289  
Blythe, CA 92226

IAB Case No.: 0607199 Local Log No.: CVSP 06-01289

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner R. Floto. All submitted documentation and supporting arguments of the parties have been considered.

**I APPELLANT'S ARGUMENT:** The appellant is submitting this appeal relative to CDC Form 115, Rules Violation Report (RVR), Log #006-07-0007, dated June 26, 2006, for "Mutual Combat," a Division "D" offense. The appellant contends that another inmate attacked him. He alleges that the material utilized to implicate him is erroneous and that the disciplinary reports are not sufficient to substantiate the charges. The appellant states that the investigation of the RVR was inadequate. It is the appellant's position that he is not guilty of the RVR. He requests dismissal of the RVR.

**II SECOND LEVEL'S ARGUMENT:** The reviewer found that the RVR was ordered to be reissued and reheard due to an administrative error.

**III DIRECTOR'S LEVEL DECISION:** Appeal is denied.

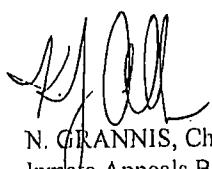
**A. FINDINGS:** The Second Level of review determined that the appellant was not afforded due process in the adjudication of the RVR. The appeal was granted in part at the Second Level of Review by addressing the appellant's concerns. The appellant will have to submit a CDC Form 602, Inmate/Parolee Appeal Form upon completion of the disciplinary process for the reissued RVR, if he feels that the results of that decision has an adverse effect upon him. His request for dismissal of the RVR cannot be granted until the reissued RVR has been completed.

**B. BASIS FOR THE DECISION:**

California Code of Regulations, Title 15, Section: 3084.1, 3084.7

**C. ORDER:** No changes or modifications are required by the institution.

This decision exhausts the administrative remedy available to the appellant within CDCR.

  
N. GRANNIS, Chief  
Inmate Appeals Branch

cc: Warden, CVSP  
Appeals Coordinator, CVSP

INMATE/PAROLEE  
APPEAL FORM  
CDC 802 (12/07)

RECEIVED	NOV 14 2006
Location: Institution/Parole Region	1. DJSR 2. CNSP

Log No.

1. 06-01289

Category

1

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff reprisal related decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
T. Norman Torrance	J-32599	N/A	B4-1814

A. Describe Problem: on the date of June 26 MR Norman was issued a 115 Report for metal Comb A on July 5 Mr Norman was given an Investigative Employee C/o Couch. This ACT violates Mr Normans rights to a Investigator in a timely manner which is procedure in The Title 15 sect 3315 (d) (1) (A) Due To This fact Mr Norman was not able to build any facts to create a Defense Because he could find no witnesses Due To The fact he was moved to Another Procedures were yet again violated along with Mr Norman's right's By not having his Investigative Employee Represent his Position at the Hearing To ensure any proper Defense Sect 3318 (b) (1) (B) on The July 15 Hearing Date The writer of The

If you need more space, attach one additional sheet.

B. Action Requested: That Due To The Amount of Procedural Defects in This 115 and The fact that Mr Norman never received a Disposition To Complete An Appeal As specified in Section 8320 (L) of The Title 15, Mr Norman is requesting That This BE Dismissed in The Interest of Justice.

Inmate/Parolee Signature: Torrance Norman

Date Submitted: 11/16/06  
RAT 2007 D

C. INFORMAL LEVEL (Date Received: \_\_\_\_\_)

Staff Response: \_\_\_\_\_

DYFROSED

Staff Signature: \_\_\_\_\_

Date Returned to Inmate: 11/19/06

## D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chronos, CDC 118, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

RECORDED

Signature: \_\_\_\_\_

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

Date Submitted: \_\_\_\_\_

CDC Appeal Number: \_\_\_\_\_

*an*

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State of California

Department of Corrections and Rehabilitation

# Memorandum

**C-FILE**

Date: December 1, 2006

To: Torrance Norman, J-32599  
Chuckawalla Valley State PrisonSubject: SECOND LEVEL APPEAL RESPONSE  
LOG NO.: CVSP 06-01289ISSUE:

You are appealing a matter regarding a disciplinary charge (CDC 115). You received a CDC 115 dated 6-26-06, Log #C06-07-0007, for Mutual Combat. You contend you are not guilty.

You are requesting the CDC 115 be dismissed in the interest of justice for violation of your due process rights.

INTERVIEWED BY: M.R. Bunts, Inmate Appeals Coordinator, on 11-30-06. In reaching a decision, all relevant documentation was researched.

REGULATIONS: The rules governing this issue are:

California Code of Regulations, Title 15, Section (CCR) 3005.  
Conduct.

(c) Force and Violence. Inmates shall not willfully commit or assist another person in the commission of a violent injury to any person or persons, including self mutilation or attempted suicide, nor attempt or threaten the use of force and violence upon another person. Inmates shall not willfully attempt to incite others, either verbally or in writing, or by other deliberate action, to use force or violence upon another person.

**CCR 3315. Serious Rule Violations.**

(d) An inmate shall be assigned an employee to assist in the investigation of matters pertaining to a disciplinary action when the chief disciplinary officer or designee determines the necessity based on the following criteria.

(1) Investigative Employee.

(A) An investigative employee, as described in section 3318(a), shall be assigned, within one working day after the serious rule violation charges have been submitted for processing when the chief disciplinary officer or designee determines that:

2. The housing status makes it unlikely the charged inmate can collect and present the evidence necessary for an adequate presentation of a defense.

(e) Witnesses. An inmate may request that friendly and adverse witnesses attend the hearing.

TORRANCE NORMAN, J-32599  
CASE NO. 06-01289  
PAGE 2

**CCR 3320. Hearing Procedures and Time Limitations.**

(h) Staff who observed, reported, classified, supplied supplemental reports to, or investigated the alleged rule violation; who assisted the inmate in preparing for the hearing; or for any other reason have a predetermined belief of the inmate's guilt or innocence shall not hear the charges or be present during deliberations to determine guilt or innocence and disposition of the charges.

(l) The inmate may present documentary evidence in defense or mitigation of the charges. Any finding of guilt shall be based upon determination by the official(s) conducting the disciplinary hearing that a preponderance of evidence submitted at the hearing substantiates the charge. At the conclusion of the disciplinary hearing, the inmate shall be informed of the findings and disposition of the charge and of the right to and procedure for appeal of the action. Within five working days following review of the CDC Form 115 and CDC Form 115-A by the chief disciplinary officer, the inmate shall be provided a copy of the completed CDC Form 115 containing the findings, disposition, and evidence relied upon in reaching the conclusions.

Inmate Norman, in reviewing CDC 115 dated 6-26-06, Log #C06-07-0007, for Mutual Combat, it is clear most due process rights and time constraints were met. Inclusive of this was the fact you were assigned an Investigative Employee (IE) who collected evidence and interviewed witnesses on your behalf. You had requested he be present for your hearing; however, there is no indication he was present by the lack of documentation by the Senior Hearing Officer (SHO). Additionally, it appears the reporting employee was present during the deliberation portion of your hearing. Therefore, your CDC 115 will be referred to the Chief Disciplinary Officer (CDO), with a recommendation it be reissued/reheard with the IE present as well as not having the reporting employee present during deliberations. Finally, according to the CDC 115, you received the completed copies of your CDC 115 within regulatory time frame.

DECISION: The appeal is granted in part.

You are advised this issue may be submitted for a Director's Level of Review if desired.

  
M. R. BUNTS  
Inmate Appeals Coordinator

MAM/MRB/lg

cc: Central File  
Inmate Appeals

  
M.A. MUNTZ  
Warden (A)

Page 12 of 2

1 STATE OF CALIFORNIA )  
2 COUNTY OF RIVERSIDE ) ss

PROOF OF SERVICE BY  
PERSON IN STATE CUSTODY

3 I, Torrance K. Norman, the undersigned, certify, and  
4 do declare that I am over the age of 18 years, incarcerated at Chuckawalla  
5 Valley State Prison, located at Blythe, California and a party/ not a party  
6 to the attached foregoing cause of action. On February 21st, 2008.

7 I did serve a true copy of: one original and one copy of  
8 Petitioners writ of HABEAS CORPUS, along with the form  
9 PAUPERIS with TRUST ACCOUNT, and A MOTION for APPOINTMENT  
10 of Counsel.

11  
12 [ ] by depositing it in a prison mail box in a sealed envelope, or  by  
13 handing it to institutional staff in a sealed envelope, along  with Inmate  
14 Trust Account Withdrawal Order Form attached to it requesting that postage be  
15 fully prepaid, or [ ] with postage affixed thereto for deposit in The United  
16 States Mail pursuant to California Code of Regulations Sections 3142 and 3165;  
17 Addressed to the following: U.S. DISTRICT COURT

18 Room 4290,  
19 880 FRONT STREET  
20 SAN DIEGO, CA 92101-8900

21 Intended place of mailing: U.S. Post Office, at Blythe, California.

22 I further declare under penalty of perjury that the foregoing is true and  
23 correct to the best of my knowledge, and belief. Executed on 21st February,  
24 2008.

25  
26 Torrance K. Norman  
27 PETITIONER/DECLARANT IN PROPER  
28

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

## (a) PLAINTIFFS

Torrence K. Norman

(b) COUNTY OF RESIDENCE OF FIRST LISTED Riverside  
PLAINTIFF  
(EXCEPT IN U.S. PLAINTIFF CASES)

2254	1983
DEFENDANT'S FILING FEE PAID	
Yes	No <input checked="" type="checkbox"/>
IF MOTION FILED	
Yes	NO
COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT (EXCEPT IN U.S. PLAINTIFF CASES ONLY)	
COPIES SENT TO	
Court	Press
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND	

2008 FEB 25 PM 4:02

Salazar, et al. vs. R. G. C. Co., Inc.  
SOUTHERN DISTRICT OF CALIFORNIA

## (c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Torrence K. Norman  
PO Box 2349  
Blythe, CA 92226  
J-32599

## ATTORNEYS (IF KNOWN)

'08 CV 0361 WQH RBB

## II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

U.S. Government Plaintiff  3 Federal Question  
(U.S. Government Not a Party)

2 U.S. Government Defendant  4 Diversity (Indicate Citizenship of Parties in  
Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX  
(For Diversity Cases Only))

FOR PLAINTIFF AND ONE BOX FOR DEFENDANT			
PT	DEF	PT	DEF
<input type="checkbox"/> Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> Incorporated or Principal Place of Business	<input type="checkbox"/> 4
<input type="checkbox"/> Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> Incorporated and Principal Place of Business	<input type="checkbox"/> 5
<input type="checkbox"/> Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> Foreign Nation	<input type="checkbox"/> 6

## IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

28 U.S.C. 2254

## V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reappointment
<input type="checkbox"/> Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury- Medical Malpractice	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 420 Copyrights	<input type="checkbox"/> 450 Commerce/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> PERSONAL PROPERTY	<input type="checkbox"/> 640 RR & Truck	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 660 Occupational Safety/Health	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 861 HIA (13958)	<input type="checkbox"/> 850 Securities/Commodities Exchange
<input type="checkbox"/> 160 Stockholders Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<b>LABOR</b>	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 875 Customer Challenge 12 USC
<input type="checkbox"/> Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 892 Economic Stabilization Act
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input checked="" type="checkbox"/> 530 General	<input type="checkbox"/> 791 Empl. Ret. Inc.	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> Security Act		<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 240 Tort to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 540 Mandamus & Other			<input type="checkbox"/> 950 Constitutionality of State
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 550 Civil Rights			<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 290 All Other Real Property					

## VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

1 Original Proceeding  2 Removal from State Court  3 Remanded from Appellate Court  4 Reinstated or Reopened  5 Transferred from another district (specify)  6 Multidistrict Litigation  7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:  CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND:  YES  NO

## VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE

Docket Number

DATE February 25, 2008

SIGNATURE OF ATTORNEY OF RECORD

R. Muller